

# the SHADOW

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## 13TH STREET SQUATS EVICTED IN SURPRISE DAWN RAID!!

By Paul DeRienzo + Chris Flash

Five people were arrested after an August 13 raid and eviction of three of the remaining 13th Street squats by hundreds of riot cops. Three occupied buildings at 535, 537 and 539 East 13th Street were evicted at dawn during a heavy rainstorm, despite resistance by determined squatters and their neighborhood supporters. The dawn raid had been expected by squatters in the aftermath of a negative decision by the New York State Appellate Division handed down on August 8.

Though the city was aware of the court's decision, no one saw fit to notify the squatters' attorneys Jackie Bukowski and Stanley Cohen. Squatters on 13th Street found out about the decision when news crews from NBC-TV and the New York Times appeared, asking how it felt to lose the case.

The Appellate Division reversed an injunction issued by New York State Supreme Court Judge Elliot Wilk that prevented the city from evicting the squats, pending the outcome of a civil lawsuit against the city by the squatters. The decision does not preclude the squatters from getting a trial by jury on the merits of their case against the city,

but it did allow the city of New York to evict the squatters at will, pending further legal action by the squatters. [See SHADOWs #34, 36, 37 +38 for more--Ed.]

Without officially notifying the squatters or their attorneys, the city moved on the 13th Street squats only five days after the decision. The early morning evictions came without warning as hundreds of riot cops mobilized near the Con Edison plant on 14th Street near the FDR Drive. Cars were quickly towed from 13th Street by NYPD tow trucks as riot cops set up a staging area at 13th Street and Avenue B at 3:00am.

Squat defenders quickly arrived on the scene. Some confronted the cops as others helped move squatters' belongings to safety. An attempt to topple scaffolding erected by the city in front of two previously-evicted buildings succeeded in only getting one beam pulled down as phalanxes of 75-80 cops stormed the block and pushed a few dozen squatter supporters west onto

See SQUAT RAID On Page 3

## COPS JUMP AND BEAT PEACEFUL DEMONSTRATORS; GLASS HOUSE SQUAT RETAKEN!!

By Chris Flash

The day after the August 13 evictions of the 13th Street squats, twenty seven people were arrested and beaten by cops during a peaceful march through Tompkins Square Park. At 6:00 pm, scores of people gathered at the corner of 7th Street and Avenue A at the park for a Speak Out and to hear the latest developments in the aftermath of the evictions. When cops moved in behind the crowd in an effort to corral them, people decided to move out rather than be trapped off.

As they walked through the park, some played musical instruments and sang songs. When they reached the 9th Street and Avenue B entrance to the park, the marchers were met by a wall of cops who blocked their way out as another row of cops closed in from behind. At that point, people tried to disperse, but cops refused to let anyone leave. The SHADOW overheard ninth precinct Captain Kenneth Kelleher tell Chief Alan Hoehl: "I'm gonna arrest them all." Hoehl replied, "Good."

Quickly, a line of cops made their way into the crowd, randomly surrounding more than 30 people by linking arms. Those caught in the cop circle were jumped and arrested. Those who broke out of the trap and took off avoided arrest. Cops justified their mass arrest of marchers and bystanders by citing a parks regulation that they claim allows no more than 20 people to gather in a city park without a permit. Among those arrested were Rabbi Fried, whose synagogue provides AIDS patients with pot, and SHADOW artist Eric Drooker, who was violently choked as other cops held his hands behind his back. Several of those arrested were roughed up and beaten by cops, who refused to tell anyone what they were being charged with.

### OPERATION "SHATTER"

After their surprise attack, cops hung around as the crowd thinned out, believing that the arrests had dashed all desire for further demonstrations. However, once the smoke cleared, it was announced that the Glass House Squat had been retaken as part of "Operation Shatter," which had been planned earlier.

The Glass House Squat, at 139-141 Avenue D, had been home to 40 people, including victims of AIDS and elderly persons, for three years until all were evicted on February 1, 1994 at the behest of Pueblo Nuevo, a neighborhood housing group headed at the time by local poverty pimp Roberto Caballero, who claimed that he wanted the Glass House to convert it into a hospice for AIDS patients. But two and a half years later, this housing has yet to be created. Caballero was later

forced to resign his leadership of Pueblo Nuevo due to various charges of conflict of interest, including getting cheap apartments for his friends. See SHADOW #29 + 32 for more.

By 7:30pm, hundreds of people gathered outside Glass House at the corner of 10th Street and Avenue D, including residents of a housing project across the street. Inside Glass House, several squatter activists hung an effigy of pro-landlord and anti-low-income housing City Councilman Antonio Pagán and spoke to the crowd below. Half an hour later, five cops arrived at the scene, led by Captain "Killer" Kelleher. Kelleher promptly showed his stuff by busting a young man with a bottle of beer.

Soon after, emergency police trucks and a van full of plainclothes cops pulled up to the squat. Six cops donned their nazi-like SS helmets and flak jackets, and then used a special circular saw to cut through the front door. The flying sparks created such a spectacle that cops moved in paddy wagons to block the view of bystanders and demonstrators.

Hours later, cops were finally able to locate two demonstrators inside Glass House. Cops spent several hours combing the building for the other demonstrators as a helicopter circled above with a glaring spotlight, but everyone had gotten out earlier, right under the cops' noses.

All those arrested earlier were taken to the old Central Booking at 1 Police Plaza, which had been closed down but had to be reopened due to the large number of arrests. When concerned family members and neighbors called the ninth precinct to inquire about those arrested, they were told that no information was available because they "might be enemies" of the arrestees. A cop at Central Booking told a caller "those anarchists should be beaten up." After about 48 hours, everyone was released, with charges including "disorderly conduct," "obstructing governmental administration," and "unlawful assembly." Not surprisingly, all those assaulted by cops got an additional charge of "resisting arrest."

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COPS WATCH AS SQUAT DEMOLITIONS BEGIN

# EDITORIAL

## SQUATS SQUASHED: YOU'RE NEXT!

By A. Kronstadt

New York is undergoing big changes. Property is changing hands like there is no tomorrow, and speculation is back. Disney is on Eighth Avenue and no piece of Manhattan property is considered too desolate or sleazy to produce megabucks. The 1980s weren't nothing compared to what today's real estate dealers have in mind. These folk will no longer tolerate sleaze districts or old neighborhoods on prime real estate--Manhattan is too valuable to be a place for cheap entertainment or cheap rent. Giuliani and the real estate junta that he represents have grown so confident with their police state that they are now ready to break up the indigenous culture of New York and send the people someplace else, so that they can be free to make profits without worrying about our needs. This is what the 13th Street squatter evictions are about, and this is only the beginning. The landlords have big plans for this city, and the people who live here already are only standing in the way of their dream of a high-rise, high-rent mecca on Manhattan. First they have run out the homeless and now they have come for the squatters.

After they finish with the squatters, they will get rid of the rent regulations and throw out all the parasitic old tenants who are not paying enough rent. When they are finished with them, they will come after all the young people who are just barely able to pay the outrageous market rents, and raise their rent. When everybody is paying their fair rent--in other words living in some desolate New Jersey slum if they don't have enough money--then the landlords will have their ideal world. Then they will be able to simply tear all the tenements down and build forty-story luxury rental towers each with its own garage and strip mall all up and down St. Mark's Place.

The "low-income" building that the Lower East Side Coalition Housing Organization plans for the site of the currently evicted 13th Street squats may or may not be built. It may go the way of the AIDS residence that had been planned with great fanfare for the site of Glass House when that squat was evicted in 1994. Glass House remains abandoned, empty save for the brief reoccupation of August 14. The funding for the AIDS residence dried up and the project was forgotten. If the 13th Street project, called Collazo

Plaza, is built, it will define a "low-income" family as one making over \$30,000 per year and a low-income rent as a few percent below market level. These buildings will not make a dent in the housing problem in the Lower East Side. At the same time that local poverticians crow over the "victory for low-income housing" against the 13th Street squatters, the city is leaving more and more apartments in the Avenue D housing projects empty, part of a national trend toward abandonment of large housing projects. Collazo Plaza is a token gesture toward the community. The broader trend represented by the evictions is the breaking up of the Lower East Side community to develop the real estate. Beware, Lower East Side tenants, because once the squatters are gone, the eyes of the real estate developers will be fixed on you--you will be the only ones separating the landlords from having it all.

As far as the real estate community is concerned, right means that we should not be living here, "we" meaning anyone who is not paying the maximum amount of money to the landlords for living here--squatters, homeless people, or tenants. We New Yorkers should make the landlords pay us rent and the government pay us taxes, because we are what make the city valuable. People do not visit New York City because of its climate, its beaches, or its air quality--they come for its creativity. They come to visit us. We are the source of their legends and their art. When a tourist pays \$70 to see a sappy musical about the Lower East Side called "Rent," we should all get royalties. Every young person who hangs out in the street, every old lady on First Avenue, every squatter painting the front of a building should get paid for creating this neighborhood that people from all over the world scramble to live in. Yuppies pay \$8.50 to see a movie about Basquiat, an artist who could have only flourished on the Lower East Side. These people must be made to realize that they are being manipulated into destroying the Lower East Side and creating a world where another Basquiat will never live. When the real estate speculators destroy us, they will trash their own precious commodity and turn this neighborhood into a boring strip mall like any other. It will serve them right, but it won't serve us right.

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## ACTIVIST TARGETED BY COPS:

### Jerry the Peddler's Constitutional Rights Violated

By A. Kronstadt

In the weeks following the August 13 eviction of the 13th Street squats, the full weight of the Giuliani administration's policy of expanded police powers have been brought to bear on long-time Lower East Side gadfly Jerry the Peddler. The squatter activist was busted on August 14 as police conducted a mass arrest of participants in a nonviolent speak-out as they passed through Tompkins Square Park. About 30 people were seized and handcuffed with plastic "punishment cuffs" [See story on Page 1]. Jerry was held in the city jail system for 41 hours and charged with "violation of park rules," an obscure, ominous 1989 law prohibiting the gathering of more than 20 people in a public park. Jerry was released without bail by the judge.

No more than a few hours out of jail, Jerry attended an Irish wake for Sixth Street and Avenue A streetcorner sage Merlin (Paul Hogan), who had passed away at 3:30 that afternoon. Jerry and Merlin had known each other for years. The party on the corner continued for hours without police interference, and close to 100 candles were lit in Merlin's memory and placed along the brick front of the Con Edison electrical substation where Merlin had been a familiar sight. At around 3:00am, a couple of people who were not employees of the City began taking some of the candles away from the front of the Con Ed building. Jerry and others questioned them, and they said that the police had told them to do it and that the fire department was coming to extinguish the candles. Unconvinced that the fire department would consider a row of small funeral candles a threat to the windowless brick substation, which was built to house oil-filled electrical transformers, Jerry turned to Captain Kelleher, executive officer of the 9th precinct, who promptly ordered cops to arrest him.

In the car on the way to the precinct house on East Fifth Street, Jerry rebuked the arresting officers to the effect that they were behaving disgustingly by disrupting a neighborhood peoples' wake. Upon their arrival at the precinct house, before taking Jerry out of the car, a sergeant bashed his head three times into the glass window, causing him a black eye and cuts that required three stitches to close. He was high-cuffed (chained with one arm over his head) to a cell inside the station house.

Eventually, workers from the Emergency Medical Service (EMS) arrived and Jerry's injuries received attention. Jerry was brought to the "Tombs" (under the courthouse at 100 Center Street), where police did everything possible to delay his release. They failed to bring him before a judge for over sixty hours; inquiries at the arraignment court reported his arrest number as corresponding to "John Doe." A clerk who answered the phone at the arraignment court explained that this usually meant a person was "lost in the system," something that happens from time to time.

Two cops from the 9th Precinct passing through the jailhouse accosted Jerry and told him: "Say hello to Merlin; you'll be joining him in a couple of days." At his arraignment, the judge imposed more bail on Jerry than the Assistant District Attorney asked for. It cost Jerry's friends \$500 to get him out, after he had already spent five days in jail. The charges were "Disorderly Conduct," "Obstructing Governmental Administration," and "Interfering with a Fireman." The last charge was strange in light of the fact that no fireman was on the scene--only Captain Kelleher and a few cops.

A lifelong hippie freak and controversialist, Jerry is well-known to the police as one of the most vociferous exponents of the squatter cause. Jerry has inhabited neighborhood squats for a decade and has been arrested dozens of times during the turmoil preceding and following the 1988 Tompkins Square Park Riot. He has been the organizer of traditional "pig roasts" that take place in the neighborhood each Mayday, and was arrested during the retaking of the 13th Street Squats by squatters on July 4, 1995. Fearing a resurgence of the activism that once guaranteed squatters a place in this neighborhood, the city has resorted to constitutional violations and naked intimidation. When asked by the SHADOW if he was intimidated, Jerry quoted his 1970s guru John Sinclair [author of *Guitar Army*; founder of the *White Panther Party*; got twenty year jail sentence for two joints, but sentence later overturned] to the effect that "the penitentiary ain't nothing."

**MORE REPORTS OF ABUSE BY KOPS IN COP WATCH ON PAGE 12**



**KILLER KELLEHER PONDER'S PORKY PEACE OFFERING FROM JERRY THE PEDDLER AT MAY 1 PIG ROAST**

## SQUAT RAID

Continued From Page 1

Avenue A. An armored personnel carrier stood by on 13th Street while overhead, a police helicopter flew perilously close to rooftops.

Unlike the first eviction of two squats on 13th Street (541 + 545) in May 1995, when a stand-off between squatters and cops lasted for more than six hours, this time cops moved swiftly. Many of them were cadets recruited from the police academy on 21st Street. During the raid, police commanders seemed to have a difficult time controlling their inexperienced charges. They could be heard barking orders repeatedly to get the cadets to maintain a straight line and prevent them from running after retreating protestors.

After being pushed to Avenue A, people marched to Avenue B and a rock smashed the front door window of the Christodora House (the hated symbol of the yuppie invasion on the Lower East Side). When cops chased them, people ran in all directions, including through Tompkins Square Park, which was still closed. Cops arrested two people caught in the park and one for the Christodora window. The three arrested were charged with "Criminal Mischief," "Resisting Arrest," and "Trespassing."

Two men evicted from 539 East 13th Street were accused of pouring gasoline on cops and possessing M80 firecrackers. They were charged with "Attempted Assault," "Reckless Endangerment," "Criminal Possession of a Weapon," and "Obstructing Governmental Administration."

One squatter was barricaded in his room so well that cops had to break in from underneath his floor. After checking the identification of everyone in the evicted buildings, cops released all but those without ID.

### SQUATS GUTTED

Immediately upon entering the 13th Street buildings, contractors hired by HPD (Department of Housing, Preservation and Development) threw away squatters' belongings and personal effects that weren't carted away by HPD earlier, and then began interior demolitions, gutting the buildings in order to prevent any reoccupancy by the squatters, whether or not they later win in court.

A squatter named Kirk told the SHADOW that he took some of his stuff out of his building at 4:30am, but then cops refused to allow him to return to get the rest, which he was told was taken away somewhere by HPD crews.

As the day wore on, cops continued their blockade of 13th Street at Avenues A + B as HPD crews swarmed over the squat buildings like maggots on dead meat, destroying the twelve years of rehabilitation accomplished through squatter blood, sweat and money. HPD slimeball and Inspector Clouseau look-alike Peter Cantillo was observed over-seeing the HPD crews, as he has done at countless other evictions and building thefts. [See SHADOW #16 on the Bronx Squat Evictions--Ed.]

See SQUAT RAID On Page 4

## SQUATTER TRAITORS WIN: SQUATTERS LOSE!!

By Gabby Sloan

Throughout the legal battle waged in the courts by the East Thirteenth Street Homesteaders Coalition (comprising 535, 537, 539, 541 and 545 East 13th Street) against the city, two occupants of 535 East 13th Street did everything they could to undermine the squatters' legal efforts. The saboteurs, John Potak (aka "John The Communist") and Butch Lee Johnson, went so far as to spread disinformation among other squatters, engage in character assassination, and create false propaganda. They also filed false statements contradicting documentation that proved a more than ten year occupancy of the 13th Street squats by the Homesteaders Coalition. This was used by city lawyers to counter the squatters' claim of "Adverse Possession," which provides that if a landlord (in this case, the City of New York) is aware of ten years of continuous and open occupancy of his property and does nothing to stop it, then the occupiers are entitled to keep the property.

Apparently, Johnson and Potak's efforts served the city well, since the squatters' claim of Adverse Possession was struck down by the Appellate Division in its August 8 ruling, based on insufficient proof of continuous possession (though not denying that Adverse Possession is a legitimate legal argument for obtaining permanent possession of city-owned properties.)

Beside attacking the squatters' legal efforts and their attorneys, Johnson went further, physically attacking other 13th Street squatters, threatening others, and violently evicting squatters from 535 who did not agree with what he and Potak were doing, especially women squatters who were badly beaten by Johnson.

Johnson was seen and heard testifying in court with Potak, admitting that they had made a deal with HPD (Department of Housing, Preservation and Development) that promised him a city apartment if the squats were evicted. During his campaign of terror and sabotage against his fellow squatters before and during their legal effort against the city, Johnson was seen several times coming and going from the offices of LESCHD (Lower East Side Coalition Housing development), the group seeking to take over the 13th Street squat buildings.

Since the August 13 evictions, Potak has moved in with another squatter while Johnson is rumored to have been moved to the top of a waiting list and into a city-owned apartment at 513 East 13th Street, just a few doors up the block from the squats he helped to have evicted, as part of the deal he cut with HPD and LESCHD. [See SHADOWS #34, 35, 36, 37 + 38 for more--Ed.]

## POLICE BRASS STEAL PRESS PASS FROM ACTIVIST JOURNALIST!!

By Chris Flash

Another aspect of the unrest on the Lower East Side is the manner in which police have tried to manage the massive media attention. In documents acquired by squatters during their court battle against the city last year, city officials were shown to be greatly concerned with the squatters' ability to get news coverage.

During the May 29, 1995 evictions of two of the 13th Street squats, several reporters were forced by cops to lie face down on a tarred rooftop at gunpoint merely because they were covering the events unfolding on the streets below. Other reporters were forced to cover the evictions from behind police barriers a block away from the action. Those reporters who braved threats from police press officers had their press passes ripped from their necks when they attempted to cover the evictions outside of the police barriers. These incidents led to complaints against the NYPD by several news organizations.

On the morning of August 13, as SHADOW and WBAI-FM radio reporter Paul DeRienzo attempted to cover the latest squatter evictions on East 13th Street, he found himself being forced into a so-called "media pen" by DCPI (Deputy Commissioner of Public Information) officer Noreen Murray, even though the pen was blocked off by police barriers.

After following Murray to the press pen, DeRienzo saw a pay phone across the street which he had used for a live radio report during the 1995 evictions. From the location of the phone, he had had a good view of the action on 13th Street.

When he attempted to call WBAI for a live radio report, Murray stopped DeRienzo and demanded that he return to the media pen where other reporters and camera crews were already corralled, from where none of them could see any activity on 13th Street.

DeRienzo tape recorded Murray as she refused to allow him to make the telephone call, which was part of his job. Suddenly, PBMS (Patrol Borough Manhattan South) Captain Michael Fox approached DeRienzo, grabbed his

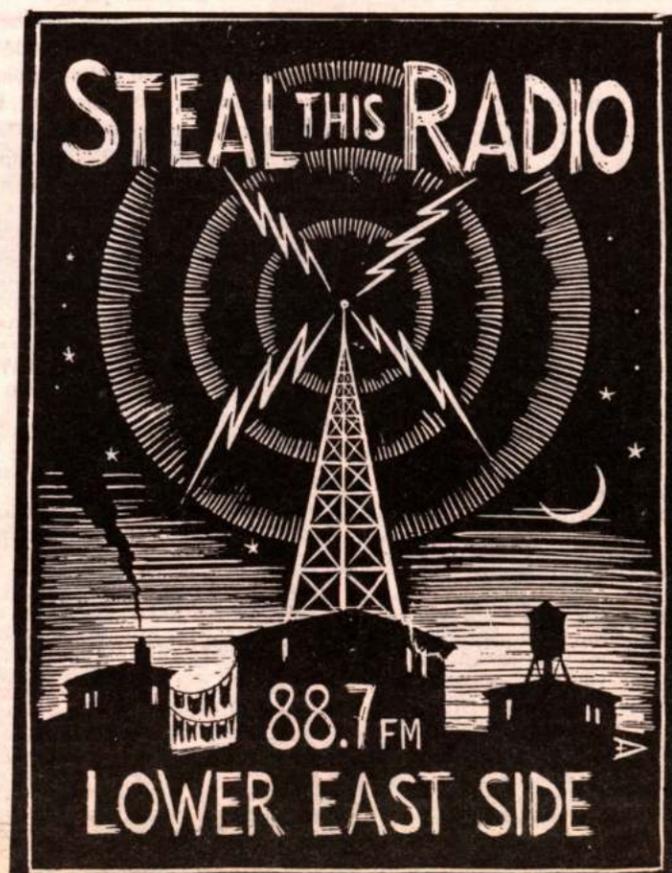
arm and pushed him against the media pen. Fox opened the pen and shoved DeRienzo inside. When DeRienzo continued to insist on his right to call WBAI, Murray told him to leave the area completely and Fox told her to take his press pass, which she did.

"What's important about this," says a veteran Lower East Side journalist who covered the May 1995 evictions and July 4, 1995 reoccupation of the 13th Street squats, "is that it's essentially a no-witnesses policy for cops in political situations. It's not like it's a hostage situation and they don't want Channel 7 sticking a camera in the gunman's face. This is 100 riot cops turning out for a free concert in the park!

"When 541 East 13th Street was re-occupied last year, the cops charged several people with attempted murder. It was obvious they were baseless, because they didn't give any specifics. The only possible basis was somebody throwing a brick off the roof of 541 that landed 50 feet from the nearest cop. But because they kept the mainstream press off the block, nobody could see that. So the headlines the next day were all 'SQUATTERS CHARGED WITH ATTEMPTED MURDER.'"

Due to the DCPI refusal to return DeRienzo's press credentials, activist attorney Stanley Cohen has been helping him. The New York Civil Liberties Union has offered to represent him as well. In response to Cohen's inquiries, the DCPI said that DeRienzo has a history of being "abusive, arrogant and insulting" to police. Since he has never had any previous run-ins with cops or had his press credentials taken by cops in the ten years he has been reporting, DeRienzo feels that police must be monitoring his reportage in the SHADOW and on WBAI, and have decided that he is not cop-friendly.

DeRienzo is now contemplating a lawsuit against the city in order to regain his press credentials and possibly seek damages, since his ability to perform his job has been severely hindered.



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# SQUAT RAID Continued From Page 3

As HPD's destruction crews went to work, they tossed tons of debris from open windows without required chutes, causing lead dust, asbestos and dirt to fill the air surrounding the squat buildings. Several neighbors called city agencies, including the Environmental Protection Agency (EPA), but no one would respond to their complaints.

Within the week, the demolitions were finished, the buildings were sealed and a brand new sign on the scaffolding in front of 541 East 13th Street was posted reading: "Affordable Housing For New Yorkers" with Mayor Rudy Giuliani's name at the bottom. The city wants to hand the five buildings to Lower East Side Coalition Housing Development (LESCHD), a real estate development group controlled by City Councilman Antonio Pagán, known for his support of landlords and real estate interests and his hatred of rent-controlled and stabilized tenants, the homeless, and squatters. LESCHD is seeking to convert the buildings into 41 units of "low-income" housing at a cost of \$4 million. After approximately ten years of "managing" the properties, ownership would revert to Pagán's group, who could then charge market rate rents to tenants, who would no longer be "low-income." [See SHADOWS #34, 35, 36, 37 + 38 for more--Ed.]

By contrast, the 13th Street squatters were able to house more than twice the number of people LESCHD claims it will house, ranging from zero to low-income, and rehab the buildings, all at no cost to the city or any federal agency. Squatters and neighborhood housing activists wonder if the money for LESCHD to renovate the buildings for their privatization scam will actually be available. The prevailing suspicion is that the buildings will sit for years without any activity, until they deteriorate to the point where demolition may be necessary.

Meanwhile, the buildings remain sealed and uninhabitable while the 13th Street squatters who weren't fortunate enough to find space with friends, family or in other squats are now homeless.

In what was seen as an intimidation tactic, just hours after the 13th Street evictions, several fire trucks and HPD officials arrived at a long time squat on East 7th Street to announce a surprise fire inspection. Following standard procedure, the squatters refused entry to the HPD and welcomed the Fire Department. After a satisfactory walk-through, during which the FD confiscated a propane tank, they all left without incident.

## APPELLATE DIVISION DECISION AND THE AFTERMATH

Voting 4-1 against the squatters' claim of Adverse Possession, the Appellate Division decided that the squatters' possession of the 13th Street buildings was not continuous since the buildings had been sealed on several occasions by the city and that at times, some of the apartments in the buildings had been vacant, even if only temporarily.

Squatter attorney Stanley Cohen says that, in a way, the Appellate Division decision is a victory, not a defeat. He told the SHADOW: "The Appellate Division held by virtue of their ruling that Adverse Possession is an appropriate remedy, an appropriate right for squatters in these types of situations. They merely held that they believed they didn't have at this point enough evidence to justify a preliminary injunction stopping the city from evicting squatters from the buildings."

Despite the setback caused by the evictions, the squatters say they are not done fighting the city for the return of their buildings. Cohen told the SHADOW that he expects to go to trial in the spring and prove the squatters' case. He said: "The trial will continue, we have additional opportunity to develop further evidence which will support our claim that the squatters own the buildings...A year from now, a jury of New York citizens, having heard all the evidence, may very well decide that the squatters own these buildings, which may very well require the city to turn over fully-renovated projects to the squatters, who are in fact the landlords."

Beside the ongoing case in Judge Wilk's court, Cohen and Bukowski say they will continue their lawsuit against the city of New York, despite the August 13 eviction. Cohen told the SHADOW that he plans to sue the city for \$20 million in damages as compensation for the work done on the buildings by the squatters over the past decade. Cohen says, "we are going to amend our complaint and allege a violation of the squatters' civil rights, charging the city with perjury, conspiracy to deny squatters their rights, and seeking additional damages as well...that the squatters need to be repaid for the effort put into their buildings for years with the city's knowledge, approvable and at their behest. We're prepared to proceed to trial this spring."

Meanwhile, squatters and their supporters are planning to continue street demonstrations and protests in and around Tompkins Square Park. Updates on times and places are being broadcast regularly on Steal This Radio, the Lower East Side's pirate radio station, at 88.7 FM.

# SEVENTEEN QUESTIONS WITH CAPT. KENNETH "KILLER" KELLEHER

By Chris Flash

*(On August 17, as dozens of people gathered at the corner of 6th Street and Avenue A in a vigil for Merlin, a well-known homeless squatter who had died the day before, ninth precinct Captain Kelleher stopped by. Earlier that morning, cops had beaten and arrested activist squatter Jerry The Peddler on Merlin's corner for objecting to cops' demands that candles lit for the vigil be removed. [See stories elsewhere in this issue])*

SHADOW: Why was Jerry The Peddler arrested?  
 KKK: He was disorderly.

SHADOW: How so?  
 KKK: That's my answer.

SHADOW: What's the name of the sergeant who banged Jerry's head three times into the side of a cop car, causing him to get three stitches?  
 KKK: He fell into the front door of the stationhouse--he was highly intoxicated.

SHADOW: Is that how he got a black eye too?  
 KKK: He was treated like a prisoner. We follow the rules.

SHADOW: Why did a cop choke Eric Drooker while two other cops held his hands behind his back during the August 14 march through Tompkins Square Park?  
 [See front cover of this issue and story on Page 1--Ed.]  
 KKK: Nobody choked him.

SHADOW: I have a photograph right here.  
 KKK: [Before we could take the photo out] I think what happened was that the officer's hand slipped up his (Drooker's) shirt.

SHADOW: And ended up on his (Drooker's) neck, choking him and making him gag for air, like this? [Demonstration acted out]  
 KKK: The use of force was appropriate.

SHADOW: Why were the August 14 marchers through Tompkins Square Park surrounded and jumped at random by cops?  
 KKK: They were parading without a permit.

SHADOW: How did you determine they were parading?  
 KKK: Someone had a banner....

SHADOW: Were they all carrying banners, or could it be that many of them were simply walking through the park at the same time, including bystanders and people who had nothing to do with a demonstration?  
 KKK: It was a violation of park regulations.

SHADOW: If they were violating park regulations, then why did you put everyone through the system for 48 hours instead of simply issuing tickets as would normally be done?  
 KKK: Because they committed unclassified misdemeanors.

SHADOW: Why were many of those arrested roughed up by the cops?  
 KKK: We used an equal amount of force against the demonstrators that was used against us.

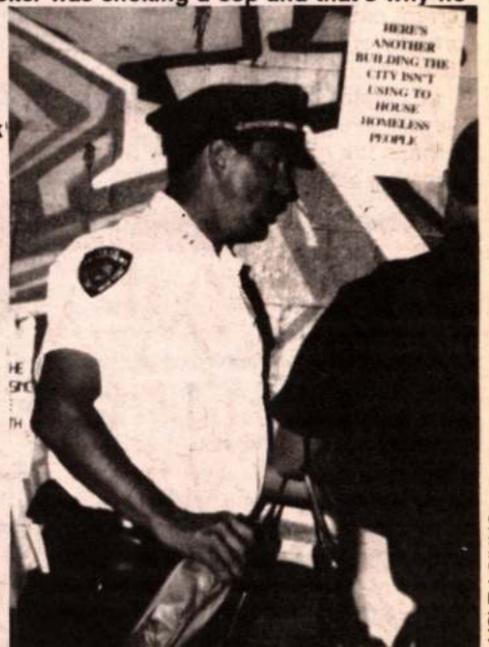
SHADOW: Are you saying that Eric Drooker was choking a cop and that's why he was choked by the cop?  
 KKK: [No answer]

SHADOW: Do you have any comment on the pending lawsuit by the New York Civil Liberties Union over what happened on August 14?  
 KKK: Let them.

SHADOW: Why did the cops enforce a park regulation against more than 20 people being assembled in the park instead of the park police?  
 KKK: People approached me and asked me to do something about the demonstrators. I thought it was escalating. I wanted to stop it.

SHADOW: There are more than 20 people here right now. Why aren't you making arrests?  
 KKK: If I answer your question, will you leave me alone?

SHADOW: At least for tonight.  
 KKK: Because this is not a park.



KILLER KELLEHER FINDS SOLACE IN THE BOTTLE

CHRIS FLASH

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# COPS BEAT WRITER FOR SPEAKING UP!!

By Chris Flash

Writer and *Red Tape* magazine publisher Michael Carter was beaten by two pigs stationed in Tompkins Square Park and jailed after saying "I remember when the park was open 24 hours a day and the police didn't hassle you," as he exited the park on June 13. Carter made the comment aloud when he witnessed the two cops harassing a man in the park.

According to a SHADOW witness, when Carter left the park, one of the cops was heard to say "Let's get that motherfucker." After stalking Carter for several blocks, the two cops, P.O. Van Aker and P.O. Guy Collabro, both of the ninth precinct, threw him up against the wall of the Boy's Club on Avenue A. Collabro hit Carter with a black jack once in the head after Van Aker got two blows in with a billy club on Carter's chest and arm. The cops called for reinforcements, claiming that they were in danger and Carter was taken away.

Approximately 36 hours later, Carter was released, charged with "Disorderly Conduct" and "Resisting Arrest," and given a date to appear in court. Carter checked into a hospital where he received a CAT scan to check for internal injuries.

A few days later, neighborhood paparazzo John Penley was walking through the park with activist attorney Stanley Cohen on the way back from filing a CCRB complaint against Van Aker and Collabro in the beating of Michael Carter. When Penley loudly repeated Carter's words within earshot of cops in the park, he was quickly surrounded by the cops, one of whom included "Blackjack" Collabro. When Cohen objected to the cops' behavior over Penley's protected free speech, Collabro threatened to arrest both Cohen and Penley. In the end, all the cops backed off.

On June 22, a Speak-Out and demonstration was held at the Seventh Street and Avenue A corner entrance to the park. Several speakers related incidents of harassment, abuse of power and violence by cops against people in and around Tompkins Square Park. These included a woman stripped and beaten by cops after she objected to a cop bothering a homeless man in the park; a man who said he was arrested in the park merely for saying that he wished he could smoke pot whenever he wanted to; and cops taking their scooters on wild joy rides throughout the

park. Carter himself spoke, comparing himself to poet Ezra Pound, "who was also arrested for speaking his mind." Dark ugly bruises on Carter's chest and arm were clearly visible.

To top off the Speak-Out's tradition of free speech, everyone began chanting "I remember when the park was free," daring nearby cops to arrest them for saying so. The cops looked on with blank expressions on their faces, but wisely did not attempt to make arrests.

Carter's attorney Stanley Cohen says that Carter may sue the city over the beating and false imprisonment. A Huntley conference has now been scheduled in which Van Aker and Collabro must answer questions about their conduct and procedure in this case. So far, both cops have failed to show up in court, where Carter has pleaded not guilty.

In the aftermath of the assault against him, Carter tol' the SHADOW that he is now "a lot more leary of walking past Tompkins Square Park," fearful that he might run into Van Aker and Collabro again. Carter said that while he has strong views, "this was the first time I was ever physically assaulted and jailed for expressing them."



TATIANA

## TOMPKINS SQUARE RIOT REUNION CONCERT

By Chris Flash

Hundreds gathered at the site of the former bandshell in Tompkins Square Park to enjoy a concert celebrating the eighth anniversary of the Tompkins Square Riot of August 6-7, 1988.

The 1988 riot, resulting from community resistance to increasing police violence in attempting to enforce an arbitrary midnight curfew in the park, came a week after a smaller skirmish with riot cops in the same park. The cops were forced to retreat when they were outnumbered by parkgoers and neighborhood activists who refused to adhere to the curfew.

In the days that followed, the community witnessed an unprecedented build-up of police manpower, equipment and show of force in and around the park. This included cops practicing formations and deployments on foot and horseback along with the placement of a command post trailer inside the park. It was expected that riot cops would return that weekend to get even, so no one was surprised when hundreds of them converged on Tompkins Square, beating nearly everyone and everything that moved, whether or not they were demonstrating against the cops. In their bloodlust, cops injured scores of people, many of whom later sued the city. More importantly, it was the first time in decades that the community united to fight a common enemy. In the end, the riot cops were again forced to retreat after a stand off along Avenue A.

Every year since 1988, the Tompkins Square Riot anniversary has been observed by riot veterans with a gala celebration in the park. Several of the anniversary celebrations over the years resulted in new smaller riots, caused by riot cops looking for another fight. In all cases, cops got more than they bargained for. In recent years, the anniversary concerts in the park have been without incident.

This year, the Parks Department denied a permit for August 6, claiming that another event had already been scheduled for that date. The only other date offered was August 9. When the SHADOW investigated, we found that there was no other event in or around Tompkins Square Park on August 6!

Due to intermittent rainfall, the sound equipment set-up was delayed, shortening the length of the sound permit. The turnout was lower than usual, but about 200 people gathered to enjoy the show, share memories and discuss current events in the neighborhood. Heal, the new band headed by Stefan, formerly of the False Prophets, was followed by the hard-core salsa of Ricanstruction, then ICU and Bay of Pigs.

In keeping with tradition, cops were seen on surrounding rooftops and a few plainclothes cops were scattered around the park, but nothing happened. Perhaps the cops have finally learned the equation that the SHADOW has been repeating since the 1988 riot: NO PIGS = NO RIOT!!

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ANGELA BOCAGE

# NYC RENT CONTROLS IN FIGHT FOR LIFE!!

By Steven Wishnia

New York's 50-year-old system of rent controls and tenant protections is in danger of extinction.

The state's rent-regulation laws, a patchwork system that includes rent control and rent stabilization, covering over a million apartments in the city, expire on June 15, 1997. To survive, they must be renewed by both the Assembly and the Republican-controlled State Senate and be signed by Governor George Pataki.

In the past, Pataki and key GOP leaders have opposed rent regulations, or endorsed the "alternative" of gutting the system by allowing "vacancy decontrol"--eliminating regulations on apartments once the current tenant moves out. In June 1995, a top state housing official said Pataki would "wipe out" rent regulations, which he compared to "Communist policies from a failed society." He was fired, but a spokesperson for the governor backed his position.

If rent regulations die, tenants will not only lose protection from massive rent increases. They also bar your landlord from evicting you without taking you to court for not paying rent, letting death-metal bands rehearse in your living room after midnight, and the like. Without these protections, you could be thrown out for reasons as arbitrary as the landlord getting sick of your face.

The law affects both of the city's systems of rent regulations. Rent control, dating back to World War II, covers 185,000 apartments, virtually all tenants who have been living in the same apartment since before July 1971. Rent stabilization, established in 1969 to control rent-gouging in buildings built after the war, covers 1,050,000 apartments, most of the city's renters.

These systems have held down rents on many of the city's apartments, even during the '80s real-estate boom. But they have three major loopholes that have opened the way for the monster rent-inflation of the last 15 to 20 years.

The first is vacancy decontrol of rent-controlled apartments. Imposed in 1971 by Governor Nelson Rockefeller, it caused an eruption of harassment of tenants, as landlords could get double or triple the rent if they could drive them out. In 1974, the Emergency Tenant Protection Act put the decontrolled apartments under rent stabilization. For other rent-controlled apartments, it allowed the landlord to raise the rent to market rate once the tenant moved out, putting them under rent stabilization at the new rent. This is the history of most Lower East Side apartments.

The second is the Individual Apartment Improvement Program, also known as the "1/40th rule." It allows landlords who renovate apartments to raise the rent by 1/40 the cost of the job; a \$20,000 renovation can bring a \$500-a-month increase. This rule has been the key to gentrification on the Lower East Side, where virtually every vacated apartment gets renovated.

The third is that it's easy for landlords to get away with illegal increases. If they raise the rent on an apartment from \$500 to \$1,000, how is the new tenant going to know it? How many tenants know that they can sue to challenge the overcharge? Even if they do, the State Division of Housing and Community Renewal (DHCR) takes around five years to process overcharge complaints. Under Pataki, it

has changed its procedures to make it easier to dismiss them.

The result, as is blatantly obvious to anyone who's looked for an apartment in the last decade, is a colossal affordable-housing crisis in New York City. It is virtually impossible to find even a small studio for under \$500; two-bedrooms go for well over \$1,000 in Manhattan and \$800 in the outer boroughs.

But landlords aren't satisfied. The well-financed self-interest of the real-estate industry and the free-market fanaticism of right-wing ideologues have fueled a propaganda campaign promoting several myths about rent regulations. Some of these myths are attempts to convince tenants that they might be better off without rent controls. Others are half-truths intended to hide that the city's biggest landlords would get a monster windfall if there were no limits on what they could charge.

**Myth #1. Rent regulations cause abandonment.** In real life, most abandoned buildings are in the city's poorest neighborhoods, where landlords would have trouble collecting significant rent increases even if they could charge them. Detroit and St. Louis, which never had rent controls, have suffered massive abandonment; Berkeley and Santa Monica, California, which limit rents, haven't.

The one area where this complaint is legitimate is that DHCR, the state agency that processes landlords' hardship complaints--applications to increase rents on the grounds that they're not making a minimum profit--is notoriously inefficient (almost as bad as it is at processing tenants' rent overcharge complaints).

**Myth #2. Rent regulations "skew rents" and give the rich bargain apartments.** Real-estate shills portray the typical rent-regulated tenant as a rich widow paying \$386 a month for an eight-room apartment on the Upper East Side, while a single mother in East Harlem is paying \$750 to share a small one-bedroom with two kids. "These bargain rents are not available to New Yorkers looking to move," writes Joseph Strasburg of the Rent Stabilization Association, city landlords' leading lobbyist.

In real life, according to figures from the 1993 federal Housing and Vacancy Survey, the median income for rent-stabilized tenants in the city is \$19,000 a year. Of the 212,000 rent-stabilized apartments that still rent for less than \$400, only about 200 are occupied by households that make over \$100,000 a year. In contrast, half the tenants paying less than \$400 have incomes below \$10,000 a year, and 80 percent make under \$25,000. One-third of these people--about 70,000 households--pay more than half their income in rent.

Deregulation wouldn't deliver bargain rents to the "deserving poor." It would simply allow landlords to raise the rents on apartments that haven't slipped through the loopholes.

**Myth #3. If rents were deregulated, free-market competition would lower them.** This is what Paul Atanasio, a Giuliani appointee to the city Rent Guidelines Board, claimed in 1995. He hung up when I asked him how this would actually happen.

Deregulation wouldn't reduce construction costs, and it would probably increase the cost of land by encouraging speculation. And if eliminating rent

controls might reduce rents, why would landlords be pushing so hard for it?

**Myth #4. Deregulation would help small landlords most.** Small landlords show up at every Rent Guidelines Board hearing bearing "We Need \$500 a Month MINIMUM" picket signs. (Lower East Side right-winger Krystyna Piorkowska is a regular.) Yet 12 percent of the city's landlords own 70 percent of the rent-regulated apartments--a group of less than 3,000 owners, with an average of 238 apartments each. Deregulation wouldn't distinguish between Donald Trump and an immigrant widow with one six-unit building in the Bronx. Many small landlords say that getting breaks on their taxes and water bills would help them more than being allowed to charge higher rents.

**Myth #5. Measures like vacancy decontrol wouldn't hurt tenants, because they wouldn't affect people who stay in their apartments.** And a law mandating the slaughter of all children born after July 1, 1997 wouldn't affect kids already conceived.

Aside from being a titanic incentive for landlords to harass tenants, massive vacancy increases would bar all but the richest tenants from moving. What about couples who break up or couples who get together? What about people who have kids or whose kids move out?

This propaganda campaign has been abetted by the city's newspapers, which have all backed deregulation in various forms. (The *News* is owned by developer Mort Zuckerman, the *Times* has strong ties to the real-estate industry, and the *Post* is ideologically right-wing.) It is also helped by the real-estate industry's contributions to key politicians. Much of the \$4.6 million that Mayor Rudy Giuliani had raised for his re-election campaign as of February came from real-estate bigwigs. Donald Trump gave \$7,000. Leaders of the Rent Stabilization Association chipped in \$7,700, the maximum city campaign-finance law allows single donors to give, as did real-estate magnate Jack Rudin and Grand Central Partnership chair Peter Malkin. The RSA was also the biggest single contributor to Lower East Side City Councilman Antonio Pagán's campaigns in 1991 and 1993.

The Mayor, however, is taking a cagier course. In May 1995, the Rent Guidelines Board set off a storm of protest by proposing massive vacancy increases. Rudy took the hint, declared his support for rent controls, and reined the board in at the last minute. But in general, he seems to be trying to push through the largest increases he can give landlords without sustaining political damage. He's packed the RGB with landlord supporters, and the increases it approved June 24--the biggest ones allowed for stabilized apartments since 1989, letting landlords raise rents up to 16 percent on vacant apartments--came directly from City Hall. (Over 200 angry tenants surged into the aisles after the board's vote, chanting "Rudy Must Go!" and disrupting the meeting for half an hour.)

With the State Senate dominated by upstate and suburban Republicans and Pataki unfriendly to rent controls, tenants may be facing a grim future. (Giuliani, who has to face city voters five months after the laws expire, is much more vulnerable to pressure.) In the past, Senate Republicans have held the rent laws hostage to extract concessions on weakening them (like the 1993 deregulation of high-rent apartments) and other issues.

But there are some encouraging signs. In April, landlords in the Nassau

County city of Long Beach--who had been warehousing apartments in an attempt to void the city's rent controls by increasing the percentage of vacancies--tried to push vacancy decontrol through the City Council. Hundreds of angry tenants protested, and the Council tabled the measure "for eternity." In May, more than 2,000 tenants traveled to Albany to warn legislators not to weaken the rent laws.

(Two tenant organizations worth checking out are Metropolitan Council on Housing: 102 Fulton Street, New York, NY 10038, and New York State Tenants & Neighbors Coalition: 505 Eighth Ave., 18th Floor, New York, NY 10018-6505. Both charge \$20 a year (\$10 for low-income people) to join. Met Council runs a tenant-advice hotline from 1:30pm to 5pm on Mondays, Wednesdays, and Fridays: Call (212) 693-0550.)

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# SAN FRANCISCO CANNABIS BUYERS CLUB BUSTED!!!

By Bill Weinberg

San Francisco's ground-breaking Cannabis Buyers Club (CBC), which for nearly two years has been supplying medicinal marijuana to AIDS patients, was busted by 100 agents of the California Bureau of Narcotics Enforcement on August 4. The agents burst in at 8:00am dressed in full body armor, menaced club personnel with laser-scope sub-machine guns, and sledge-hammered down doors, despite the pleas of the CBC workers who offered to unlock them.

In simultaneous raids, five houses in San Francisco, Oakland and San Mateo were also hit by state agents. CBC director Beth Moore was handcuffed, held at gunpoint and interrogated for over two hours as ten agents ransacked her home in San Francisco's West Portal district. The Castro district home of CBC founder Dennis Peron was also hit. Peron was vacationing in Vancouver at the time, but the state agents also searched the home of his downstairs neighbors, who have no connection to the CBC.

In all, ten computers were confiscated from people involved with the CBC. Personal medical records, marijuana, scales and \$60,000 in cash was also seized from CBC premises.

The raids were masterminded by California Attorney General Dan Lungren, who obtained a temporary restraining order against the CBC from State Superior Court Judge William Cahill. CBC attorney Tony Serra is filing a motion with Judge Cahill to get the restraining order overturned.

San Francisco's voters overwhelmingly approved 1991's Proposition P, which established a policy of tolerance for medical marijuana use. As a result, Lungren and Governor Pete Wilson were unable to secure cooperation from either municipal or federal law enforcement in the raid.

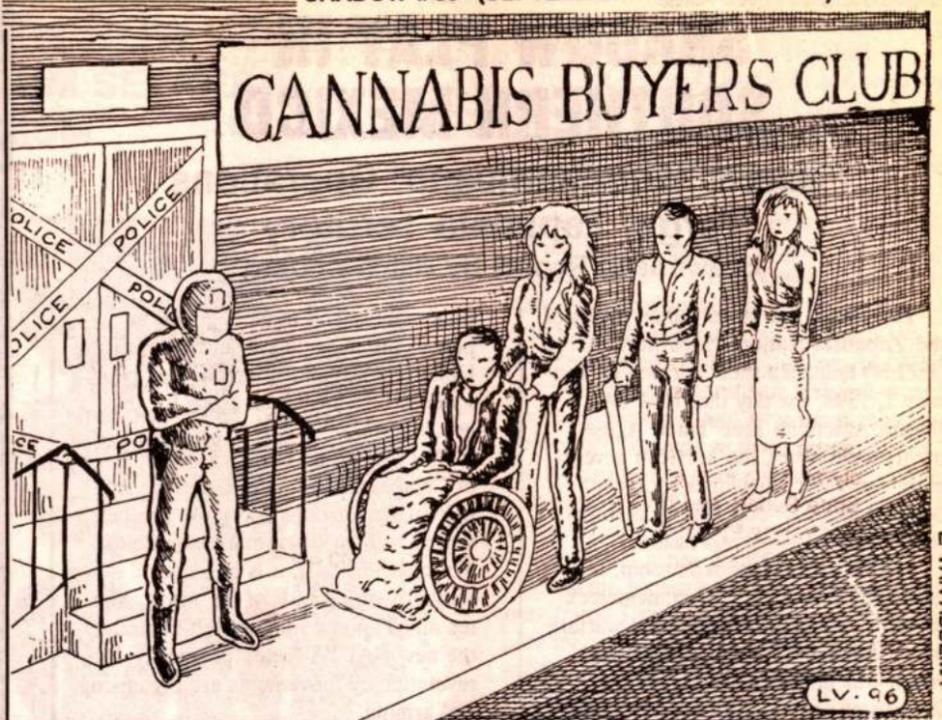
Newly-elected flaming liberal Mayor Willie Brown called the raid "Gestapo tactics" and accused Lungren of "political grandstanding at the expense of the health and welfare of the people of San Francisco."

During his long tenure in the California state legislature, Brown voted for three medical marijuana bills written by CBC founder Dennis Peron and his allies which would have replicated San Francisco's tolerance policy statewide--all of which were vetoed by Republican Governor Wilson.

Peron is now taking the issue directly to California's voters with Proposition 215, which will appear on the ballot statewide in November. With financing from zillionaire libertarian investor-philanthropist George Soros and Laurance D. Rockefeller, the 215 campaign has garnered significant support across the state. The effort is being fought by Citizens for a Drug-Free California-No on 215, recently founded by Orange County Sheriff Brad Gates, former governor George Deukmejian--and Lungren and Wilson.

Citizens for a Drug-Free California-No on 215 has already been censured by the courts for using inaccurate information by claiming the American Cancer Society opposes 215 (in fact, they have no position).

Lungren claims undercover agents at the CBC had been able to buy marijuana without the required medical documentation that they need it to combat ailments associated with AIDS, cancer, glaucoma or arthritis. CBC personnel counter that the narcs had pleaded and even resorted to tears to sway them. In any case, Lungren claims that the club is illegal even if it did only supply marijuana to medically needy. Critics call the Lungren/Wilson raid on the CBC a politically-motivated move to undercut the Proposition 215 campaign, whose state headquarters is also housed at the club.



## INSIDE THE CANNABIS BUYERS CLUB

By A. Kronstadt

*In the first week of July, 1996, Shadow reporters visited the Cannabis Buyer's Club in San Francisco and wrote the following report which was originally accompanied with a glowing report of the changes in San Francisco life with the ousting of Giuliani-like fascist Mayor Frank Jordan and his replacement with the flamboyant Willie Brown, SF's first black mayor. The August 4 bust and padlocking of the CBC showed the limitations of the revolution in SF politics; though not the one who ordered the bust, Brown was powerless to stop it. The new mayor is enormously popular among the enlightened citizens of SF and was received with massive cheers at the Gay Pride Parade, where he rode up Market Street (past the Cannabis Buyers' Club) atop his own personal trolley car, resplendent in a Hawaiian shirt and Panama hat. One lesbian activist from the Mission District who is no sucker for liberal pats explained it this way--"Brown is a sleaze, but at least he leaves us alone." The fact remains that we in New York have a mayor who is ordering cops to bust citizens walking out of their local pot shops; in SF they have a referendum on the ballot to legalize the weed. Maybe it's about time that we, too, reclaimed our progressive tradition.*

July 9, 1996

In 1991, the Cannabis Buyer's Club opened as a massive semi-legal, semi-underground pharmacy selling marijuana by prescription and providing a social atmosphere where the pot

could be smoked safely and pleasantly. The Cannabis Buyer's club is composed of a ground floor with a cafeteria and meeting hall with two upstairs lofts. Each of these lofts is provided with comfortable couches, table, ash trays, a pot bar, and a health food bar--one floor is for tobacco smokers; cigarettes are prohibited on the other. At the pot bars, a variety of weed is sold at near-wholesale prices. Quality ranges from the acclaimed "Cal Green" to more modest California and Mexican herbs. For those whose physicians do not recommend smoking, brownies, tinctures, and capsules of THC-laced olive oil are available. The bags of cannabis are marked with a prescription label, (one hopes) obliging the police to refrain from confiscating it. This is not government pot, it comes from the same underground where everyone else's pot comes from in California, but it is reliable, free of chemicals, and can be bought and smoked with little fear of arrest. Most of the pot prescriptions are given for the side-effects of cancer and AIDS chemotherapy; sufferers claim relief from loss of appetite and nausea. Others have prescriptions for arthritis (where it is applied in the form of compresses), glaucoma, and migraine headaches. Literature is provided to buyers detailing the possible side effects of the medicinal marijuana, in which the top two listed are "uneasiness and hunger." Alcohol is not permitted on the premises.



San Francisco Supervisor Tom Ammiano has called for the City Department of Health to declare a state of emergency to protect medical marijuana users, similar to the one already in place to protect needle exchange in the city. The resolution is currently pending before the Board of Supervisors Government Efficiency & Labor Committee. A hearing is scheduled as The SHADOW goes to press. If the Board of Supervisors approves the resolution, the state of emergency--superseding state law within the county of San Francisco--will likely be declared by Health Department chief Dr. Sandra Hernandez, an out-of-the-closet lesbian.

If San Francisco declares a state of emergency to protect medical marijuana, an unprecedented showdown between the city and state government could be in the offing. The Cannabis Buyers Club had recently moved from a building in the Castro district--heart of the city's large and militant gay community--to an elegant five-story building on Market Street in downtown San Francisco, a stone's throw from City Hall. Up to 1,000 have taken to the streets of San Francisco to support the CBC since the raid.

Lungren's office says arrests are pending an investigation. But Dennis Peron tells The SHADOW that he does not believe any jury in the Bay Area will convict him.



# SHADOW PLAY IN SOUTHERN MEXICO

## Federal "Anti-Marijuana" Operations Target Zapatista Territory Eyewitness Report By Bill Weinberg

Ever since the Maya Indian rebels of the Zapatista National Liberation Army (EZLN) launched their uprising on January 1, 1994, the day that NAFTA (North American Free Trade Agreement) took effect, the Mexican government has been pursuing a good-cop/bad-cop strategy--conciliatory gestures followed by military repression.

In this game of brinkmanship, hardliners within the government seek to provoke a return to the total warfare which ensued for ten days after the revolt was launched--and crush the Zapatistas once and for all. The Zapatistas, in turn, are attempting to gain time to spread their movement beyond the poor southern state of Chiapas to the rest of Mexico, and build a unified national resistance to the corrupt, entrenched rule of the Institutional Revolutionary Party (PRI).

In May of this year, Chiapas was once more at the brink of war, as the on-again/off-again peace talks between the government and the Zapatistas broke down and federal army troops and tanks poured into rebel territory. This time, with government military aggression against the Zapatistas officially barred by the federal law which set conditions for the peace dialogue, the army had to come up with a subterfuge. This was readily provided by the proximity of marijuana plantations to the Zapatista strongholds in the Maya Highlands of Chiapas.

Simultaneously, the US Defense Secretary, Attorney General, Drug Czar and DEA chief were in Mexico City making unprecedented arrangement for US-Mexico military cooperation in the name of the War on Drugs.

With both revolutionary movements and narco-mafias fast gaining ground in Mexico's impoverished south, the shadow play is an obvious one. But the booming drug trade is almost entirely under the control of functionaries of the PRI's one-party state--now riven with violent intrigues and narco-vendettas at the very top levels of power. The relaxed regulatory atmosphere of NAFTA has meant a boom trade in coke and smack, with Mexico becoming the top artery for Colombia's Cali cartel.

Hence the special irony of the anti-marijuana militarization of the Chiapas Highlands. First of all, *mota*--as marijuana is known in Mexico--isn't even a close third to coke and smack as an illicit export, either in terms of quantity or revenue. Secondly, the *mota* grown in southern Mexico is almost entirely for internal consumption, not export to the gringos. Finally, the *mota* cultivation is under the control of the local *PRI* bosses known as *caciques* who run the villages of southern Mexico as petty authoritarian fiefdoms--and are the Zapatistas' bitter enemies.

The southern *mota* belt follows the Sierra Madre del Sur from Chiapas through Oaxaca and Guerrero to Michoacan. This southern *mota* is consumed locally, or smuggled by the truckload to Mexico City and other urban markets within Mexico. At \$150 a pound, this *mota* is cheap and ubiquitous in Mexico.

A northern *mota* belt follows the Sierra Madre Occidental through Jalisco, Zacatecas, Durango, Chihuahua and Sonora to the Arizona border. It is this northern *mota* which is more firmly under the control of the big-business

drug mafias. This *mota* is grown for export to the more lucrative market of the United States--and is increasingly being squeezed out by opium crops for the heroin trade.

But it is in the southern mountains of Chiapas, Oaxaca and Guerrero that federal army troops and tanks are being sent in to hunt down marijuana fields. Not coincidentally, it is in these southern strongholds of the Maya, Mixtec and Zapotec Indians--left behind by the new NAFTA-fueled prosperity--that revolutionary movements are organizing and arming.

### RUMORS OF WAR

Chiapas really has two governments--the official *PRI* government and the underground parallel government made up of the Zapatistas, Indian and *campesino* (peasant) organizations loyal to them, and supporters of the left-opposition Democratic Revolutionary Party (PRD). Disputed elections both for state governor and local municipal governments have left Chiapas divided between the ruling *PRI* political class and the revolutionary opposition which claims the *PRI*s only won through fraud.

Chiapas was at the brink of war following the state elections at the end of 1994. The EZLN broke off the dialogue with the government in protest of the fraud, and infiltrated troops out of their remote jungle stronghold near the Guatemalan border, the Lacandon Selva, into the Maya Highlands, the Indian heartland of Chiapas. The revolutionaries announced their presence in the Highlands with roadblocks--and then disappeared into the civilian population as the government sent troops to confront them.

The situation de-escalated when the government agreed to the EZLN's demand to return to the dialogue table--the recognition of the National Intermediation Commission (CONAI), convened by the local Bishop Samuel Ruiz of the Diocese of San Cristobal de Las Casas, a longtime champion of the Indians, as the broker of the dialogue.

Since then, throughout the Highlands, Zapatista troops have been hidden in the outlying *ejidos*--communal Indian agricultural lands. Many *ejidos* have declared independence from the central villages which remain under *PRI* control. These communities "in rebellion" have proclaimed their own "autonomous zones," loyal to the Zapatista parallel government. The EZLN's General Command, the Indigenous Revolutionary Clandestine Committee (CCRI), has formed a special arm to coordinate Zapatista troops in the Highlands.

Chiapas returned to the brink of war in February of 1995, when the federal army sent thousands of troops into the Lacandon Selva to arrest the Zapatistas' leaders, including the mysterious and charismatic Subcommander Marcos. Rather than confront the superior force, the Zapatistas fled deeper into the jungle, where the federal columns with their heavy equipment could not follow. The inhabitants of the Zapatista villages fled with them, fearing reprisals.

The situation de-escalated again when the government agreed to call off the manhunt and drop the arrest warrants if the EZLN would return to the negotiating table. The federal law was passed barring government attacks on



MAC MCGILL

the Zapatistas or arrests of their leaders as long as the peace process was in effect. The Highland village of San Andres Larrainzer, an hour north of San Cristobal and a stronghold of Zapatista sympathizers, was established as the place for the peace talks.

The Zapatistas had lost much territory in the February offensive. Worse still, the villagers who had fled before the advancing troops were unable to plant their meagre *milpas*, or cornfields. As a result, there is little *maize* (Indian corn) or *frijoles* (beans) this year. Hunger and malnutrition are at crisis proportions in the Lacandon Selva.

The Zapatistas have been able to re-establish a presence in some of their Selva villages--but now there are no longer clear lines between rebel territory and government-held territory in either the Selva or the Highlands. Instead, government troops and Zapatista troops have camps often in neighboring villages--but are barred from attacking each other by the Law of the Dialogue.

In military-occupied *campesino* communities, CONPAZ, a network of non-governmental organizations working for peace in Chiapas, reports growing prostitution, alcoholism, military vehicles invading *ejidal* lands, troops trading in wild animals (mostly birds and monkeys) and interrogating the local population about presence of foreigners and Zapatistas.

Exploiting the political elbow room created by the peace process, the rebels' new civilian front, the Zapatista National Liberation Army (FZLN), is openly organizing in San Cristobal and other Highland towns.

Despite the Law of Dialogue, violence continues to escalate in Chiapas. In March 1996, eight people were killed in evictions of pro-Zapatista *campesinos* who were squatting the lands of local wealthy ranchers. Near the village of Nicolas Ruiz, state police marched onto a disputed site, fired tear gas on the occupying *campesinos*, and then set the grass on fire to drive them off. Three

farmers and two police officers were killed during the seven-hour gun battle which ensued.

With federal troops restrained by the Law of Dialogue, the "White Guard" goon squads of the cattle ranchers and *PRI* paramilitary groups have been taking the law into their own hands. The *jefe* of one such paramilitary outfit known as the Chinchulines was killed on May 5 in retaliation for a violent attack on local PRD supporters in the village of Bachajon the previous day. Chinchulines, in counter-retaliation, then burnt some ten houses and a Jesuit convent, resulting in at least ten more deaths on both sides.

Just then, the situation was once again deteriorating towards open war. On May 2, two local Zapatista supporters who had been arrested during the February 1995 offensive and held ever since at the harsh Cerro Hueco prison in Tuxtla, the state capital, were found guilty of "terrorism" by a federal court. Javier Elorriaga, a local video-journalist who had served as a go-between in the government-EZLN talks, was sentenced to 13 years. Sebastian Entzin, a Tzotzil Maya man, was sentenced to six.

May 7, a group of FZLN supporters, headed by Amado Avendaño, the "rebel governor" of Chiapas, seized a San Cristobal radio station for 30 minutes to broadcast a statement demanding the release of Elorriaga and Entzin. "The real terrorists are in the government," they said.

The Zapatistas' CCRI issued a communique announcing that they considered the sentences to be a violation of the Law of Dialogue. The talks were broken off yet again.

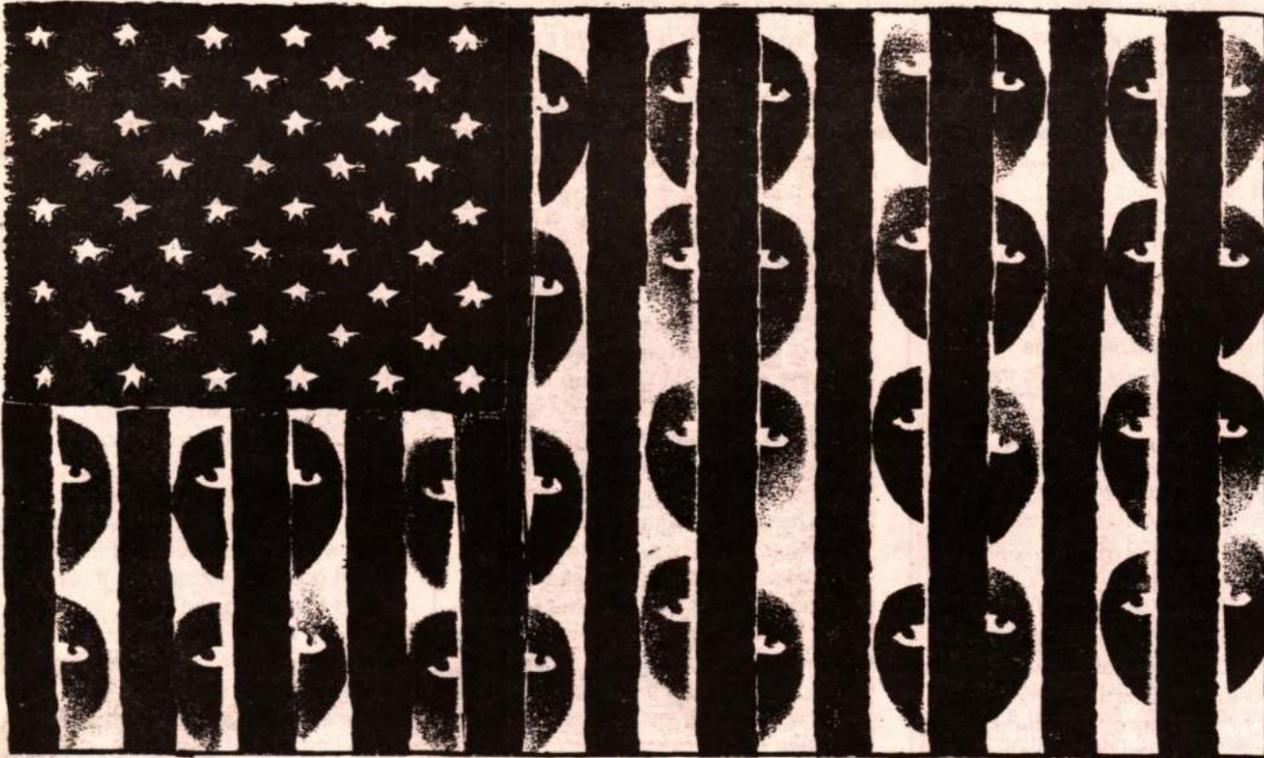
Simultaneously, the government announced that it was sending federal troops into both the Highlands and the Selva to hunt down *mota* plantations. With the army closing in on their positions, the EZLN declared a "red alert"

See SHADOW PLAY On Page 20

# TERROR BILL SHUTS DOOR ON DEATH ROW APPEALS; TURNS AMERICA'S BACK ON ASYLUM SEEKERS; OPENS DOOR FOR FASCISM

By Paul DeRienzo

SCOTT CUNNINGHAM



As the trial of the two defendants charged with the bombing of the Federal Building in Oklahoma City draws near, the response by the Justice Department, Congress, and recently the Supreme Court is being seen by immigration lawyers, death-row prisoner advocates and civil liberties proponents as a disastrous blow to the United States Constitution. At the center of the controversy is the Anti-Terrorism and Effective Death Penalty Act signed into law by President Bill Clinton on April 24th, 1996, a date chosen to mark the first anniversary of the Oklahoma bombing. The actual bombing date was April, 19th; Clinton had to postpone the signing to attend an anti-terrorism conference in Sharm el-Sheikh, Egypt, where he met with Middle East leaders to plan a response to growing popular unrest in the region.

The Act will allow the use of secret evidence in deportation hearings; non-citizens who are accused of terrorism won't be allowed to face their accusers. Judges will be allowed to make decisions based on evidence that the person facing deportation will not be able to see, except in summary. The Act also sets up special "Alien Terrorist Removal Courts" run by five federal judges hand-picked by the Chief Justice of the Supreme Court.

Although Clinton had introduced the first draft of the Act with the intent of focusing on supporters of liberation movements fighting governments friendly to the United States, the Act soon outgrew those boundaries to take on a slew of issues with no tie at all to terrorism. The history of the Act is tortured and full of political intrigue and the final results reflect both a unity of purpose among blocs in Congress normally at odds as well as some fault lines among ruling groups in the United States. But whatever the history of the Act, its effects are already being felt in dozens of cases--from requests for political asylum to appeals by death-row prisoners fighting to prove their innocence.

A past president of the American Arab Anti-Discrimination Committee is Abdeen Jabara, whose list of clients includes Omar Abdel-Rahman, the blind Egyptian cleric convicted in New York Federal Court of supporting terrorism. Abdeen Jabara says the Act is "politically motivated and will be selectively enforced," against whatever political movement the Executive Branch decides is the enemy at any time. According to Jabara, the Act has "particularly onerous impact on immigrants and non-immigrants of foreign nationality alike who are living in--or are seeking entry into the United

States." Immigration law allowed legal residents with criminal convictions to remain in the United States if they had been living here for seven years before the Act. Now says Jabara, "the legislation makes whole categories of people ineligible for this waiver and all of a sudden they can be torn away from a country where they may have spent almost their entire lives." The Act also allows low-level immigration officials at more than 300 ports of entry into the United States to decide asylum claims from immigrants fleeing political persecution--hearings that were previously held before judges. But now the decision of an INS officer cannot be appealed to the courts.

The Act would dramatically affect victims of terrorism by their own governments who flee to the United States. For example, the 19 year old woman from Togo, Fauziya Kasinga, who fled her country rather than undergo the practice of female genital mutilation may not have won the right to asylum in the United States. Columnist Anthony Lewis writes that since under the Act anyone who flees their country without proper papers will not be considered a legitimate refugee--under this legal test "Fidel Castro's daughter was not a true refugee because she fled Cuba with a false passport." Lewis adds that under that definition "the Jews who fled the Nazis without papers" wouldn't be "true refugees" either.

The Act is already leading immigration authorities to arrest hundreds of legal residents who have committed minor crimes, such as marijuana possession, under parts of the Act that eliminate waivers for non-citizens who may have committed crimes but who have lived for years in this country and have family members here.

Yet another provision of the Act that has little if anything to do with terrorism is the portion limiting prisoner access to Habeas Corpus appeals. Habeas Corpus is an age-old right in Western law meaning "produce the body," codified in United States law shortly after the civil war to prevent former slave owners from unjustly imprisoning freed slaves. The Anti-Terrorism Act contains provisions that will open the flood-gates to executions by setting up procedural hurdles to limit appeals to Federal District Courts by the more than 3,000 people on America's death rows. Since 1970, almost half of the death sentences reviewed by federal courts have been reversed and 54 people have been released from death row, but it took, on average, ten years for death row prisoners

to obtain justice. Today under the Act very few of these appeals would even make into a federal court.

Death penalty proponents in Congress and on the Supreme Court have been attacking Habeas Corpus petitions and crying for limitations to the "Great Writ" as a way to speed up executions by breaking up what they believe is a logjam of appeals from death row prisoners. But an unintended side effect may be to actually increase appeals, as lawyers bring the Anti-Terrorism Act itself to court by challenging its constitutionality. The United States constitution guarantees some form of Habeas Corpus by providing that it "shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." The first case has already come before the Supreme Court and arguments were heard on May 3rd, prompting four of the nine Justices to complain unsuccessfully that the court was moving with "unseemly haste."

The legislative counsel for the American Civil Liberties Union, Gregory Nojeim, says the Act establishes an unreasonably short time for filing Habeas petitions, limiting prisoners to only one federal appeal and "virtually strips federal courts of their authority to review state court decisions for constitutional violations." In June, the Supreme Court, in a 6-3 decision, upheld one new requirement of the Act that requires permission from a Federal appeals court before a prisoner can file a Habeas Corpus petition with the Federal District Court. If that permission isn't granted, the prisoner cannot appeal the decision to the Supreme Court.

Chief Justice William Rehnquist gave some indication of the Court's decision when he wrote in support of a provision of the Act requiring the prisoner to show by "clear and convincing evidence" that if not for a constitutional error in the trial the prisoner would have been found not guilty. If that standard is eventually upheld by the court, many death row prisoners whose defense was hampered by biased courts and unfair prosecutions, such as death row journalist Mumia Abu Jamal, would have their legal remedies truncated and could face execution. The ACLU's Nojeim says that Habeas Corpus reform has no business in an Act concerned with terrorism because Habeas Corpus is about the "procedures for appeal once a person is incarcerated and therefore, incapable of engaging in terrorist activity."

How is it that a law dealing with terrorism has as its top provision a measure

dealing with the rights of United States citizens facing execution? The Anti-Terrorism act began as a measure proposed by Clinton and members of Congress, aimed at supporters and members of groups that the Secretary of State would be allowed to name as terrorist organizations. From the beginning, the law contained provisions that allowed the government to exclude people from the United States if they held membership in one of the organizations designated as "terrorist" by the government. According to the ACLU, this measure would "exclude those who are not dangerous, but who have ideas the government regards as dangerous." The Anti-Terrorism Act resurrects the McCarran-Walter Act, a law dating back to Senator Joseph McCarthy's reign when anti-Communist hysteria gripped the land. It allowed the government to bar people from the United States based on their political associations. It was used throughout the 1980's to prevent Sandinista officials from Nicaragua and Salvadorans fleeing repression from entering this country to speak directly with the American people. McCarran-Walter was repealed only six years ago with the fall of the Soviet Union, but the law continues in the guise of the Anti-Terrorism Act with a new focus: international terrorism.

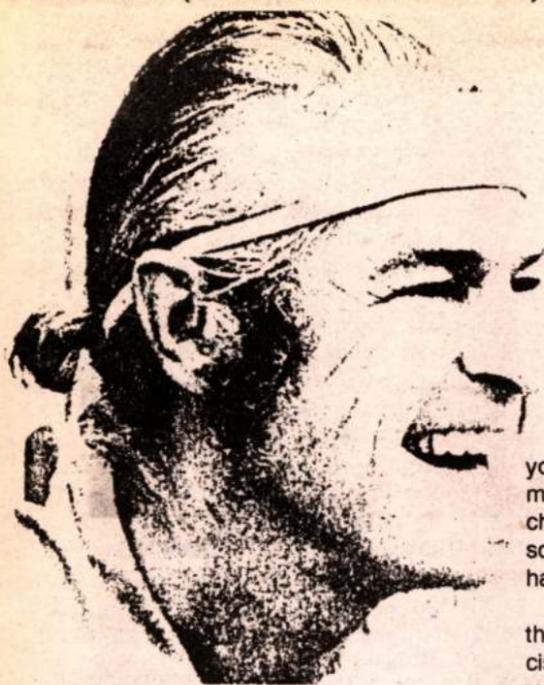
Another provision prohibits funding of organizations designated as terrorist, turning banks into enforcers of the Act while giving the green light to the FBI to investigate United States citizens without evidence of a crime being committed. Banks that suspect an account has been used to transfer funds to a so-called "terrorist" organization or an "agent" of such an organization would be severely penalized unless the bank froze that account. The bank is required to act even if it only "believes" the group or individual is an "agent" of a foreign organization deemed "terrorist" or else the bank can be fined \$50,000 or twice the amount in question. According to the ACLU, even "funding the legal, non-violent, often charitable activity of groups designated as 'terrorist organizations' would be prohibited.

## A Tortured History

Lawyer Abdeen Jabara says that in its early stages, the Counter-Terrorism and Effective Death Penalty Act attracted the attention of "certain forces in Congress who saw this legislation as an opportunity to prevent persons convicted in state court criminal proceedings, particularly those who had received capital punishment sentences, from over-turning the conviction." After the Oklahoma City bombing occurred, Clinton and his supporters in Congress introduced other amendments, giving the federal government broad new powers to investigate, prosecute and punish acts of domestic terrorism. One of the areas that Clinton addressed in his amendments was to allow police to use "roving wiretaps" that, instead of tapping one phone, allow the tapping of any phone the subject uses. The wiretap issue and an amendment allowing the introduction of illegally seized evidence "set off alarm bells among a number of conservative members of congress," says Jabara, and gave rise to an unlikely coalition of civil libertarians and conservative organizations that were opposed to the legislation.

On March 13, 1996 the House of Representatives passed an amendment that eliminated portions of the Act that expanded the wiretap powers of the federal government and prohibited fund-raising in the US on behalf of "terrorist" organizations. After the vote, the point man for the administration, New York Representative Charles Schumer said "I've talked to the White House and now they're very pessimistic" about the future of the Act. The amendment eliminated parts of the Act considered most harmful by civil libertarians and was supported by 178

See TERROR BILL On Page 21



## A GAME OF MIND TENNIS WITH TIMOTHY LEARY

By Paul Krassner

*On May 31, Timothy Leary died at the age of 75. In August 1995, about a week after Leary publicly announced that he had inoperable prostate cancer, Paul Krassner taped this conversation with Leary in which Leary spoke of having his head frozen after his death. Later, he decided on cremation. In their last conversation, when Leary told Krassner that seven grams of his ashes would be sent into outer space, Krassner requested his remaining ashes to mix with high grade pot so that Leary's family and friends could pass him around and smoke him. Leary smiled and said, "Okay, just don't bogart me."*

"So, Tim, here's a toast to 30 years of friendship."

"And still counting. We've been playing mind tennis for 30 years. Isn't that great?"

"The one thing in countless conversations we've had that sticks out in my mind is something you once said, that no matter what scientists do, they can't decode the DNA code, layer by layer, but underneath it all, there's still that mystery. And I've enjoyed playing with the mystery. Are you any closer to understanding the mystery, or further from it?"

"Well, Paul, I watch words now. It's an obsession. I learned it from Marshall McLuhan, of course. A terrible vice. Had it for years, but not actually telling people about it. I watch the words that people use. The medium is the message, you recall. The brain creates the reality she wants. When we see the prisms of the words that come through, we can understand. Do I understand the mystery?"

"I guess the ultimate mystery is unconceivable by definition. But have you come any closer to understanding it?"

"Understand? Stand under! I'm overstood. I'm understood."

"The older I get, the deeper the mystery is."

"The faster."

"Let's get to a specific mystery. The mystery of you. Because everybody sees you through their own perceptions. How do you think you have been most understood?"

"Well, Paul, everyone gets the Timothy Leary they deserve. Everyone has their point of view. And everyone's point of view is absolutely valid for them. To track me, you have to keep moving the camera, or you'll have just one tunnel point of view. Sermonizing there. Don't impale yourself on one point of view."

"Some people know you only through that 60s slogan, 'Turn on, tune in, drop out.' I think a lot of people don't really understand what you meant by dropping out."

"Everybody understood. Just look at the source."

"All right, here's words. Fifteen years ago at a futurist conference you called yourself a Neo-Technological Pagan. What did you mean by that?"

"Neo has all the connotations of the futurist stuff that's coming along. Technological denotes using machines, using electricity or light to create reality. There are two kinds of technology. The machine--diesel, oil, metal, industrial technology. And then the Neo-Technology, which uses light. Electricity. Photons. Electrons. Pagan is great. I love the word. Pagan is basically humanist. I grew up in a Catholic zone, and pagan was the worst thing

you could say. Of course, I'd never met a pagan in Springfield, Massachusetts, going to a Catholic school. 'Where do these pagans hang out? I wanna be one.'"

"Was there any specific thing that made you turn from Catholicism?"

"Yeah, Paul, there was a period, I know exactly what it was, I was 15 or 16, I was being sexually molested in my high school and actually totally seduced by a wonderful sexy girl, much more experienced than I. And, whew! She opened it up! The great mystery of sex. Wow! At that time I was going routinely to confession on Saturday afternoon. But I had a date with Rosemary that night. Sitting there in the dark church. Then you go in and say, 'Bless me, father, for I have sinned.' Absolutely, totally hypocritical! They want you to confess and repent while I have every intention in the world of being seduced by this girl tonight."

"The glands overshadowed the philosophy."

"The glands? Shit, Paul, that statement is very mechanical."

"I'm a Recovering Romantic."

"Because you used the word gland? Glands are very interesting. People don't talk about glands very much."

"Talk about machines then. What's the relationship you see between acid and technology?"

Well, LSD is one of the many drugs which are based on neuroactive plants. Peyote and grain on rye. Those crazed experiences which happened in the Middle Ages, what did they call them? The madness of crowds, simply because of some plant they had chewed. The point is that the human brain is equipped with these receptor sites for various kinds of vegetables that alter consciousness. So our brains evolving over 50 million years have these receptor sites. The reason why certain people like to take these drugs is because these receptor sites activate pleasure centers. Now this was not a mistake. The DNA didn't fuck up. The devil didn't do it. There was obviously some reason for those receptor sites that would get you off on peyote, psilocybin. And there are dozens of compelling receptor sites and drugs we don't even know about."

"In the changing counterculture, then, do you see a continuity from psychoactive drugs to cyberspace?"

"Of course. It's a fact. Every generation developed a new counterculture. In the Roaring 20s, jazz, liquor. In the 60s, the hippies with psychedelics."

"The counterculture now, it's not either/or, it's not necessarily drugs or computers. I'm sure some do them simultaneously. But how do you think that the drug experience has changed the computer experience?"

"I did not imply that you can't do both. The brain is equipped to be altered by these receptor sites. So we can see these receptor sites overwhelm the mind. The word-processing system. Then suddenly you can take

psychedelic plants that put you in different places. I'm being too technical. But there's an analogy between receptor sites for marijuana and for LSD or opium, which activate the brain and the way we can boot up different areas of our computers. Back in the 1960s we didn't know much about the brain. I was saying back in 1968, 'You have to go out of your mind to use your head.' But head simply is an old-fashioned way of saying brain. We didn't know about brain receptor sites. But now, we can use bio-chemicals to boot up the kind of altered realities you want in your brain. So you smoke marijuana because it gets you in a mellow mood. Grass is good for the appetite. That's operating your brain. But now it's specific: 'Use your head by operating your brain.' That's the new concept. Use your head! That's hot. Operate your brain because the brain designs realities."

"Do you see a connection between the war on drugs and the attempt to censor the Internet?"

"Oh, absolutely, yes, Paul. The censors want to control. We have to have people to impose to keep any society going. I don't knock rules, rituals. We have to have them. The controllers censor anything that gives the power to change reality to the individual. You can't have that happen."

"My theory is that the UFO sightings and all the people who claim to have been abducted by aliens, that this is really just a coverup for secret government experiments in mind control."

"That's a very popular theory, Paul. I get like ten mimeograph letters a day about UFOs and the government. Boy, the governments are really fucking busy, trying to program our minds."

"And of course those UN soldiers in Bosnia can hardly wait to get back in their black helicopters so they can attack Michigan and Arizona."

"I'm happy about UFO rumors. I'm glad because at least people are doing something on their own. The 60-year-old farm wife in Dakota thinks she's been taken up and serially raped by UFO people. Wow! They came all the way from another planet a thousand light years away to get this lovely grandmother and pull her socks off and have an orgy with her. Wow!"

"Or at least an anal probe. To your knowledge, is the government still doing experiments in mind control? We know they used to, with the MK-Ultra programs and all. Do you know if they're still at it? I can't imagine they would've stopped?"

"G. Gordon Liddy would give you the current CIA line. Liddy says: 'Yes, it is true. When we learned that the Chinese Communists were using LSD, the CIA naturally cornered the whole world market from Sandoz LSD. They didn't realize that LSD comes in a millionth of a gram. The CIA found LSD to be unpredictable.' Well, no shit, Gordon! Can you name one accurate CIA prediction? The fall of the Shah? The rise of the Ayatollah?"

"What did you think of Liddy getting that free speech award from the National Association of Talk Show Hosts

after he said that if the ATF comes after you, they're wearing bulletproof vests so you should aim for the head or groin?"

"That's pure Liddy. He's basically a romantic comedian."

"When you were debating him, if you had listened to his advice retroactively when he led the raid on Millbrook, then later you would've been on stage debating yourself, because he would have been shot in the head and groin by somebody, if his advice had been followed."

"He was a government agent entering our bedroom at midnight. We had every right to shoot him. But I've never owned a weapon in my life. And I have no intention of owning a weapon, although I was a master sharpshooter at West Point on both the Garand, the Springfield rifle and the machine-gun. I was a Howitzer expert. I know how to operate these lethal gadgets, but I have never had and never will have a gun around."

"But when you escaped from prison, you said, 'Arm yourselves and shoot to live. To shoot a genocidal robot policeman in the defense of life is a sacred act.'"

"Yeah! I also said 'I'm armed and dangerous.' I got that directly from Angela Davis. I thought it was just funny to say that."

"I thought it was the party line from the Weather Underground."

"Well, yeah, I had a lot of arguments with Bernardine Doerhn."

"They had their own rhetoric. She even praised Charlie Manson."

"The Weather Underground was amusing. They were brilliant, brilliant, Jewish, Chicago kids. They had class and dash and flash and smash. Bernardine was praising Manson for sticking a fork in a victim's stomach. She was just being naughty."

"She was obviously violating a taboo. What are the taboos that are waiting to be violated today?"

"There is one taboo, the oldest taboo and the most powerful--I've

Continued On Following Page

**Everyone here for essence  
flaw. True, everyone in  
outside world nurses him  
karmic mistake. Everyman life  
center around genetic wound.  
But here shame is public.  
Lust. Anger. Heroin. Gluttony.  
Thievery. Pride. Rape. Greed.  
Murder. Covetousness. Child  
molesting. What's your beef?  
What's him beef?  
"Hey Doc. Why are you here?"  
Pride, I think.  
Old grey haired Black  
interrupts, laughing. "He here  
cause he shoot his big mouth  
off too much."  
--Timothy Leary/Jail Notes**

been writing about it and thinking about it for 30 years. The concept of death is something that people do not want to face. The doctors and the priests and the politicians have made it into something terrible, terrible, terrible. You're a victim! If you accept the notion of death, you've signed up to be the ultimate victim."

"Is that why you've announced publicly that you have inoperable prostate cancer? Friends knew it but--"

"I actually have been planning my terminal graduation party for like 30 years. Of course, I'm a follower of Socrates, who was one of the greatest counterculture comic philosophers in history. He took hemlock."

"The Hemlock Society was named after that."

"I've been a member of the Hemlock Society for many years. They talk about self-deliverance. That's the biggest decision you can make. You couldn't choose how and when and with whom you were born."

"Although there are people who say you can."

"All right, well, go for it. But for those of us who don't have that option--"

"Ram Dass even once said that a fetus that gets aborted knew it didn't want to be born so it chose parents who wouldn't carry it to term."

"Richard's so politically correct. Isn't that fabulous?"

"Are you planning to do what Aldous Huxley did, which was to make the journey on acid?"

"That's an option, yeah."

"Do you believe in any kind of after-life?"

"Well, I have left an enormous archive covering 60 years of writing, around 300 audio-tapes. It's being stored away. And I belong to two cryonics groups, so I have the option of freezing my brain."

"By afterlife, I didn't mean the products of your consciousness so much as your consciousness itself."

"My consciousness is a product of my brain. How can I know about my mind unless I express thought?"

"Obviously, there are people who believe in the standard Heaven and Hell and Purgatory. I'm assuming that you don't believe in that kind of afterlife."

"They're useful metaphors. I must be in purgatory now, huh? Occasionally, I have a pop of Heaven. That's not a bad metaphor. Of course, we realize that Hell is totally self-induced."

"On Earth, you mean."

"Well, wherever you are. What do you think about that? Do you believe in life after death and all that? What's your theory?"

"That you are eaten by worms and just disappear, or you're cremated and your ashes--"

"Wait, now, Paul, you have your choice of being eaten by worms or barbecued. Or you can be frozen. You don't have to be eaten by worms. You don't have to be microwaved. I'm going to leave some drops of my blood, which has my DNA, in a lot of places. I'll leave my brain with them. Why not try all these things? Not that I care, Paul, believe me. I have no desperate desire to come back to planet Earth. I think that I have lived one of the most incredibly funny, interesting lives. I'm fascinated to see what's gonna happen in the next steps. But I have no desire to come back. Most non-scientists don't realize that in scientific experiments you learn more from your mistakes. So I hope that I will leave a track record of making blunders about the most important thing in life. How to preserve your DNA. I hope someone will learn from my mistakes."

"Are there regrets that you have?"

Things that you would've done differently, knowing what you know now?"

"I'd play the whole game differently, sure. About a third of the things I've done have been absolutely stupid, vulgar, gross. About a third have been just banal. But a third have been brilliant. Like baseball, one out of three, you lead the league. M.V.P. Most Valuable Philosopher."

"When I first met you in 1965 you were talking about baseball--and games in general--as a metaphor. How would you describe your game in life? It's been a conscious game. You didn't just fall into a pinball machine and get knocked around. Although that happened too."

"Well, I identified with Socrates at a very young age. The aim in human life is to find out about yourself and know who you are. The purpose in life is to discover yourself."

"With these big media mergers going on now, giants, Time-Warner-Turner here, Disney-ABC there, how do you think the individual can fight that best?"

"Why fight it? Like Southern Pacific merges with Pennsylvania Railroad, so what?"

"But you said before they're trying to control, so aren't they trying to control the information?"

"You can't control information if it's packaged in light. In photons and electrons. You simply can't control digital messages. Zoom, I can go to my web site and put some stuff up there. Immediately my messages are accessed by people around the world. Not just now but later. The nice thing about cyber-communication is that counter-

culture philosophers who learn about technology can work together, can be faster than committees, politicians and the like. So I have great confidence. You have to learn to play their game. That's why I went to West Point and that's why I went to the Jesuit school, and learned enough so I could play that mind-fuck game. I understood. And I moved on."

"Do you mean you knew before you went to West Point, before you went to Jesuit school, that you wanted to learn their tools?"

"I didn't want to go either. My parents insisted on that."

"So you went with that attitude."

"Yeah. They took me around to about ten Catholic universities and colleges in New England. None of them would accept me because of my high school track record. I was the editor of the newspaper in high school and I made it a scandal sheet exposing the principal. I had a great uncle who was a big shot in the Catholic Church. He had pull in the Vatican, and he pulled some strings so I got into a Jesuit school. I just watched, repelled, but fascinated."

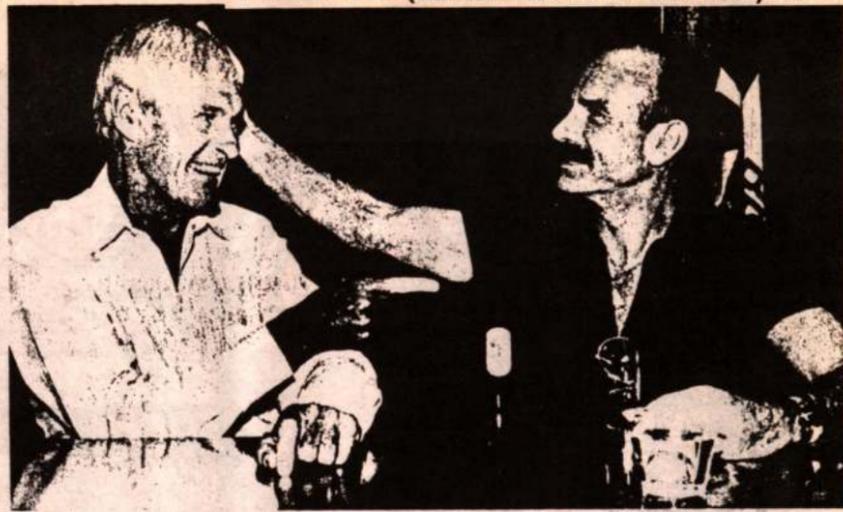
"I don't believe in reincarnation, but if I did, I would think I knew you in a previous life. But that's only a metaphor, I don't believe in it. Do you believe in that concept?"

"In the time of Emerson, the 1830s, there was a counterculture very similar to ours. Self-reliance. Individuality. Emerson took drugs with David Thoreau. Margaret Fuller went to Italy and got the drugs. Later, William James started another counterculture at Harvard. Same thing. Nitrous oxide. Hashish. The Varieties of Religious Experience."

"Well, have the medical people given you a prognosis on this life, of how many years you have left?"

"I'm 75, and I've smoked and lived an active life but not the most healthy life. So my prognosis would be like two to five years. Jeez, I'll be 80 then."

"Are there specific things you want to accomplish during this period?"



TIM LEARY AND G. GORDON LIDDY SQUARE OFF DURING A PRESS CONFERENCE IN LOS ANGELES, 1982

"Our World Wide Web site is a big thing. We are putting books up there on the screen. You can actually play or perform my books. You read the first page and my notes. And you can revise my text. We call them living books. As many versions as there are people that want to perform 'book' with me. True freedom of the press! The average person can't publish a book. This way they can."

"Do you think it's destiny or chance that one becomes in a leadership position--a change agent, as you call it?"

"Well, destiny implies that you were created that way. No, I think that the individual person has a lot to do with it. Thousands of decisions you make growing up in high school and college to get to a point where you have constructed your reality. You can be a judge or--"

"A defendant."

"I think one of the good side-effects of the Simpson trial is that people understand how totally evil lawyers are."

"You mean defense lawyers and prosecutors?"

"Yes."

"A friend of mine was scheduled to be on jury duty and they asked him what he thought of prosecutors, and he said 'Cops in suits.' Are you optimistic about the future, even though there's creeping fascism?"

"The future is measured in terms of individual liberation. You have politicians. And the military people want to hurt other people. That's all about control. They have to devise excuses for victimizing people. I do think that the new generations growing up now use electronic media. A 12-year-old kid now, in Tokyo or in Paris, or here, can move more stuff around on screen. She is exposed to more R.P.M., Realities Per Minute! A thousand times more than her great grandfather. There's gonna be a big change. The greatest thing that's happening now is the World Wide Web. Signups zoom up like this. The telephone is the connection. The modem is the message! You can explore around. If you're a left-handed, dyslexic, Lithuanian lesbian, you can get in touch with people in Yugoslavia or China who are left-handed, dyslexic lesbians. It's great! It's gonna break down barriers, create new language. More and more graphic language. And neon grammatics. Anything that's in print will be in neon."

"Well, that really brings us full cycle. We started talking about words, and now they've become neonized."

"Consider, Paul, death with dignity, dying with elegance. It's wonderful to see it happening. I talk about orchestrating, managing and directing my death as a celebration of a wonderful life! That touched a lot of people. They say: 'My father went through this whole thing. He wanted to die.' Amazing."

"So the response has been that people are glad to know that they

aren't the only ones who are thinking about death."

"Yeah. People are thinking about dying with class, but were afraid to talk about it."

"What do you want your epitaph to be?"

"What do you think? You write it."

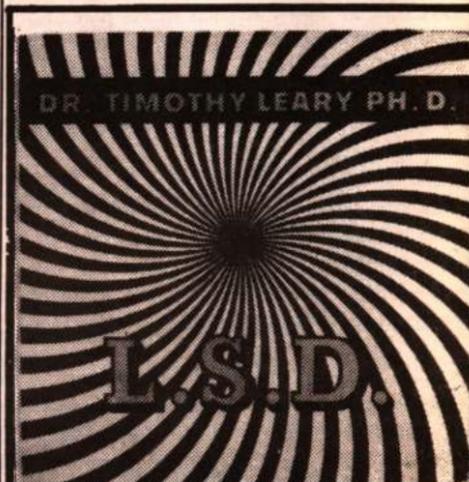
"Here lies Timothy Leary. A pioneer of inner space. And an Irish leprechaun to the end."

"Irish leprechaun! You're being racist! Can't I be a Jewish Leprechaun? What is this Irish Leprechaun shit?"

"OK. Here lies Timothy Leary, a pioneer of inner space, and a Jewish leprechaun."

*A collection of Paul Krassner's satire, The Winner of the Slow Bicycle Race, has just been published by Seven Stories Press. His comedy album, We Have Ways of Making You Laugh, will be released in August by Mercury Records.*

*Krassner has published The Realist since 1958. But when People magazine called him "the father of the underground press," he immediately demanded a blood test. Only 13 more issues of The Realist will be published. They will not be sold in bookstores or on newsstands, so if you wish to receive the final 13 issues, send \$25 to: The Realist, Dept. SH, Box 1230, Venice, CA 90294. Also available: The (Almost) Unpublished Lenny Bruce, an anthology of the controversial comedian's articles, columns, stories, bits and pieces, for \$10.*



**Timothy Leary, tripping on acid, calmly explains the benefits of LSD and the persecution against him as cops stand outside his door. On audio cassette tape, approx. 60 minutes, only \$5.00 + \$1.00 postage. Order from SHADOW Press P.O. Box 20298 New York, NY 10009**



Well, here we are again!! In our last kop-Watch, we reported an unmarked kop van that sits outside pot stores and then busts the buyers a few blocks away. The kops leave the pot spots alone so they can make more arrests and make themselves look good. On May 18, a SHADOW Kop-Watcher saw the same van full of undercover kops doing their thing to an Asian man in his car at the corner of Avenue B and 9th Street. The van, a black GMC (Plate number E60-6FP) containing 2 hispanic kops, 2 black kops and 1 white kop, cut off the man's car and pulled him out. After telling the man that they would "go easy" on him if he just gave it up, he handed over a bag of something he had just bought a few blocks away. The kops went "easy" on him by taking him into the van in cuffs as one of them got in his car and drove off. Nice haul, boys: let's see, that's one arrestee, a bag of dope and a brand new car to confiscate--not a bad day, was it?

\*\*\* In the past few months there has been a calculated war of intimidation on the Lower East Side. Several busts and beatings by kops have been meted out to persons who have done nothing more than verbalize their dislike of the kops. (So much for "protected" free speech!!) One example is the case of writer Michael Carter who was stalked and then clubbed by two kops after he said words to the effect of "I remember when the park was free." P.O.s Van Aker and "Blackjack" Collabro don't take that shit from anyone!! Then there was the vicious cuffings (with plastic "torture" cuffs) and beatings by kops who couldn't handle the songs and musical instruments sung and played by a peaceful procession through the park. Funny, they don't do that when the Jesus freaks play in the park!! Artist Eric Drooker, singing "Dem Bones," was choked as kops held his hands behind his back. Were they really afraid that his voice would hurt them? And on August 16, a young man in Tompkins Square Park who objected to being told by a kop to "move" was grabbed and taken to the 9th precinct, where he was systematically beaten by 5 pigs. that'll teach him to respect their authority.

\*\*\* On July 23, local squatter and marijuana rights activist Jerry the Peddler was busted by undercover narcotics officers for passing a Phillies Blunt cigar to another person on Avenue C--before the miserable tobacco inside had been replaced with marijuana. Jerry (who admits proudly that he does not smoke tobacco for its own sake) had gone inside a bodega and purchased the fifty cent stogy legally; outside he gave it to an acquaintance and requested that he remove the processed tobacco filler and save the wrapper to roll what is usually called a "blunt" on the streets of Loisaída. All of a sudden, four kops surrounded the two, putting a gun to the head of the person to whom J.T.P. gave the cigar and shaking him down for drugs.

According to Jerry, the cops found several small bags of what appeared to be cocaine in the other man's pockets, whereupon they hauled both him and Jerry to the precinct. At the precinct, the cops found a dime bag of weed on Jerry, but charged Jerry with sale of the other guy's cocaine and charged the other man, who did not live in the neighborhood, only with resisting arrest. Jerry is well known to local cops as organizer of the notorious "pig roasts," [See photo on Page 2--Ed.] as well as a mover and shaker in the Tompkins Square protests of recent years, has been the object of a steady stream of false arrests, abuses and beatings by kops, so it is not surprising that they would want to pin a false charge of something more serious than possession of a blunt's worth of marijuana.

\*\*\* The July 17 New York Times reported that at least 11 NYC police officer have been charged with failing to pay withholding tax or to file federal income taxes for several years. The officers are accused of being part of a scam that started within the now defunct housing police force, in which some of the cops claimed as many as 98 dependents on their W-4 forms in an illegal effort to reduce their tax withholding to nil. Packages of instructions, some costing as much as \$2000, had been circulating within the department explaining how not to pay taxes, and some of the accused officers renounced their American citizenship and denied having to pay income tax on the grounds of their self-proclaimed sovereignty. All of the cops have been assigned to desk duty and have turned in their guns.

\*\*\* On August 1, two retired NYC police officers, Dennis Debernardis and Benny Smith, were charged with extortion and loan sharking. The ex-cops are charged with having telephoned threats to a Westchester businessman threatening to have him and his wife raped if the man did not accept a settlement in a lawsuit, as well as with having extorted \$68,600 from a Brooklyn businesswoman in interest for a \$25,000 loan.

\*\*\* Bronx Borough President Fernando Ferrer has questioned Civilian Complaint Review Board statistics that allegedly suggest a drop in complaints of police misconduct in the Bronx during the first quarter of 1996. Ferrer maintains that the new, mostly Giuliani-appointed CCRB inflated last years statistics by adding on the number of administratively closed (or "unsubstantiated") cases, which were not actually investigated by the CCRB, usually because the complainants could not be found. Without this departure in the way the statistics are calculated, the figures would show a 34% increase in complaints against the cops.

\*\*\* The Guardians, a New York City African-American fraternal police organization, has called on its members to arrest fellow officers who commit acts of brutality.

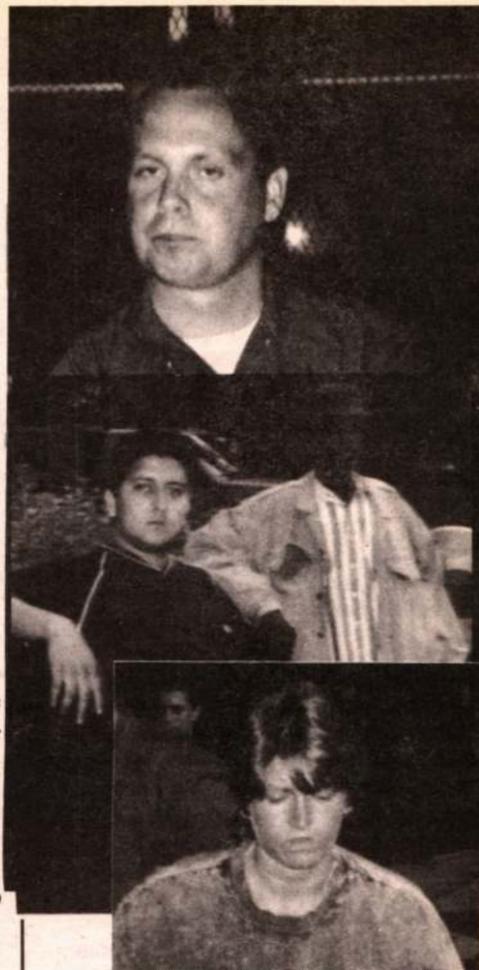
Guardians president Charles Billups, said "It's come down to the point that we are tired of seeing of people getting beat up on the street by rogue cops."

\*\*\* Black activist and former Black Panther Dhoruba Bin Wahad has filed a \$15 million lawsuit against the New York City Police Department and other city agencies for framing him in the 1971 shooting of two police officers. The two cops, neither of whom were killed, were guarding the home of Manhattan D.A. Frank Hogan, who was prosecuting several cases against Black activists.

Bin Wahad was tried three times in the case; the first trial ended in a hung jury, the second in a mis-trial, and the third in a conviction. In 1990, the New York State Court of Appeals ruled that prosecutors had held back potentially exonerating evidence, and Bin Wahad was released.

\*\*\* Thanks to our Kop-Watchers, including Bob Witaneck, The Committee Against Anti-Asian Violence, and A. Kronstadt. You can subscribe to Bob Witaneck's Internet "list-serv" on issues relating to police brutality, capital punishment and civil liberties at: bwitaneck@igc.apc.org (warning: you will get lots of e-mail).

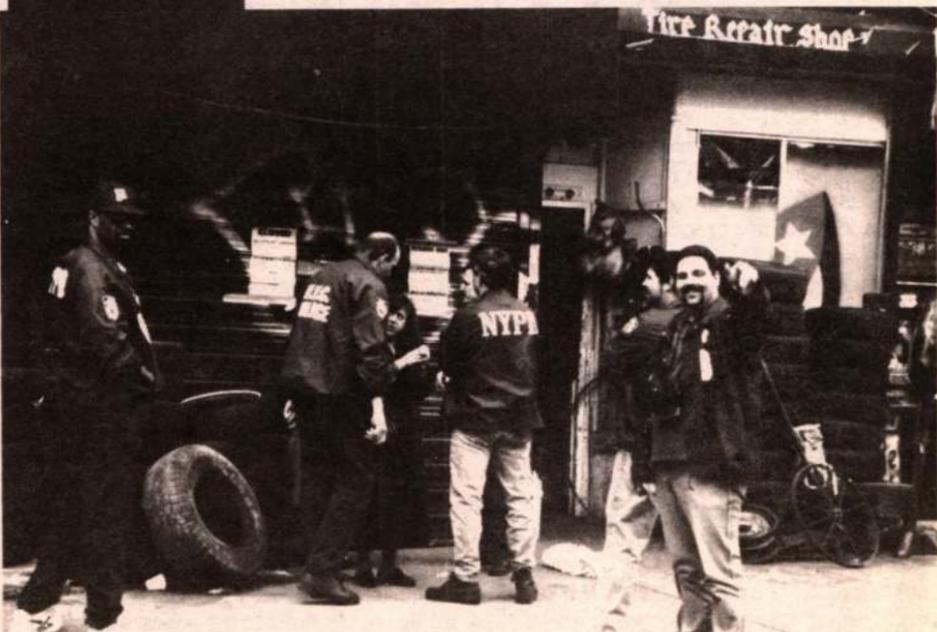
Continued On Following Page



THESE KOPS WERE OBSERVED MAKING BUSTS IN TOMPKINS SQUARE PARK AND THEN WATCHING DEMONSTRATORS DURING THE RE-TAKING OF THE GLASS HOUSE SQUAT ON AUGUST 14 (Story on Page 1)



THESE KOPS WERE SPOTTED IN TOMPKINS SQUARE-- WHY CAN'T ANY OF THEM EVER SMILE FOR US?



THESE "TNT" DRUG KOPS BUSTED AN ALLEGED POT SHOP ON EAST THIRD STREET LAST MAY, BUT NO ONE WAS THERE TO BUST!! A BYSTANDER TOLD US THAT "TNT" STANDS FOR "TUESDAYS AND THURSDAYS" SINCE THOSE ARE THE DAYS THAT TNT STRIKES

# AMNESTY INTERNATIONAL REPORT HITS NYC POLICE ABUSE

By A. Kronstadt

On July 1, 1996, the London-based human rights watchdog group Amnesty International released the findings of its investigation into "allegations of ill-treatment, deaths in custody, and unjustified shootings by police officers in the New York City Police Department." This low-keyed report is careful to genuflect toward the NYPD, saying Amnesty International recognizes that the police in New York City have a difficult and often dangerous job and that most encounters between officers and members of the public do not result in allegations of misconduct." It then continues with over 70 pages of facts that often overlap with information reported in The SHADOW's KOP WATCH pages over the years. Amnesty International's report is the culmination of an 18-month investigation in which AI delegates met with lawyers for people alleging police brutality, members of civil rights groups, officials from the NYPD Internal Affairs Bureau and the Civilian Complaint Review Board, the office of the US Attorney for the Southern District of New York, and the Bronx District Attorney's Office. More than 90 individual cases were of ill-treatment were reviewed by Amnesty's delegates. AI states, "the information gathered suggests that police brutality and unjustifiable force...is a widespread problem, with a pattern of similar abuses occurring over many years."

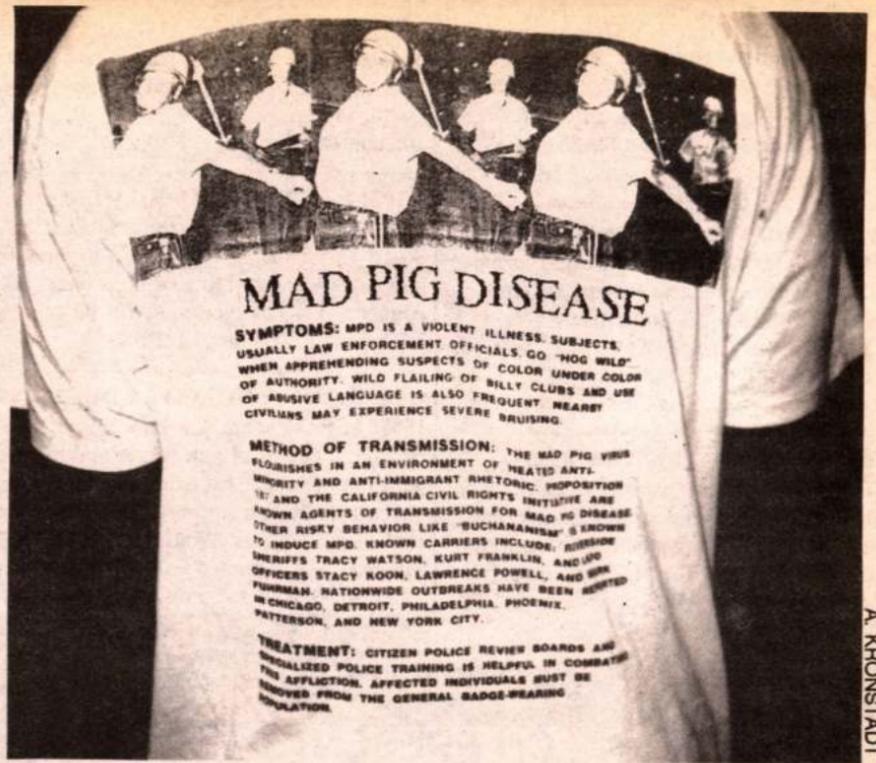
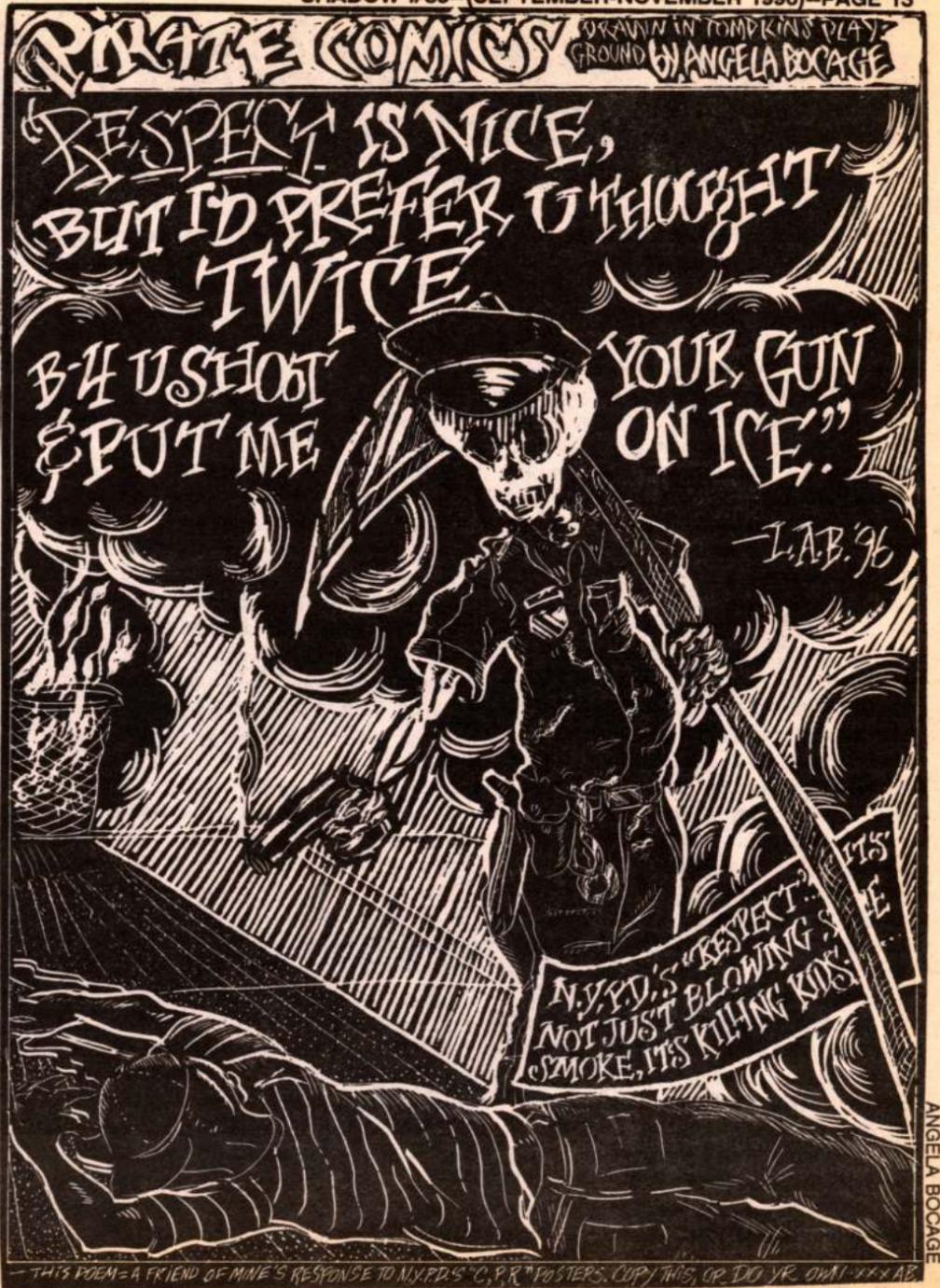
Much of Amnesty's information is reported in the form of numbers. The amount paid out by the city, for instance, in settlements or judgments awarded to plaintiffs in police misconduct cases rose from 13.5 million dollars in 1992 to more than 25 million dollars in 1994. Another telling set of numbers relates to the racial composition of the NYPD. In 1995, the department was 72.2% white, 15.2% Latino, 11.5% African-American, and 7.7% "other including Asian." Meanwhile, we live in a city that is 43.2% white, 28.7% African-American, 24.4% Latino, and 7.7% "other, including Asian."

Other information comes in the form of names and incidents, many of which are familiar to SHADOW readers. Noted in the report are the cases of Grady Alexis, a young Haitian artist beaten to death on the street by an off-duty cop; Carlton Brown, an unlicensed minivan driver who was thrown through a plate glass window by Brooklyn cops; and

Christopher Henelly, who suffered permanent brain damage from being bludgeoned by police who charged into a demonstration sponsored by ACT-UP in 1991. In addition to these beatings, a number of deaths in custody are documented, including that of Anthony Baez, killed by a police chokehold after a football that he was kicking around hit a cop car. The Amnesty report also reported on a string of police shootings--for instance, the one that killed 16-year old Brooklyn honor student Yong Xin Huang, who was shot at close range with an NYPD-issue 9-mm Glock semiautomatic while playing with an air rifle in the driveway of a friend's home.

Amnesty also details the sad saga of the Civilian Complaint Review Board (CCRB), which reviewed and disposed of 3961 complaints from January to June 1995, less than one third of which proceeded to full investigation. Of the ones that were fully investigated, 9.3% were ruled "substantiated," 7.7% "unfounded," and 75.8% "unsubstantiated" because of insufficient evidence (not surprising in view of the cutbacks in investigative resources for the CCRB under the Giuliani Administration). Among those cases that were substantiated and referred to the Police Commissioner for action in 1994, only 40% went to administrative trial and of these, 69% were dismissed by the police brass. Only three cops were actually convicted of anything at administrative trial in 1994.

Amnesty International's recommendations include the appointment of an independent inquiry into police brutality and excessive force by the New York City authorities, stern words from the police brass that excessive force will not be tolerated, the strengthening of the CCRB as an investigative body, more public scrutiny of internal police investigations, and changes in the ethnic composition of the NYPD. Amnesty does not make any recommendations regarding the Giuliani administration's law enforcement policies--the so-called "quality-of-life initiative," which has made harsh contact between the police department and the general population much more common in New York City. The importance of this international recognition of the problem of police brutality in NYC, however, cannot be discounted.



THIS T-SHIRT MAKING THE ROUNDS ON THE LOWER EAST SIDE TRIES TO EXPLAIN WHAT CAUSES KOPS TO ACT THE WAY THEY DO

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ROCK PATAKI'S BUDGET, FUCK THE VOTE.

## KKKOP-WATCH....

Continued From Previous Page

When you're net surfing, check out our Global Kop Watch site on the World Wide Web. You can share your own stories and photos with the rest of the world. The address is: <http://mediafilter.org/globocop>

If you have any Kop Watch reports and/or stories, info, photos, badge or vehicle plate numbers, please send it to: The SHADOW, P.O.Box 20298, New York, NY 10009, Attention: Kop Watch

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# SHADOW LISTINGS

**THROUGH OCT. 1: PICTURES OF THE TIMES:** 100 years of photos from the NY Times. Museum of Modern Art, 11 W.53rd St. Thurs. + Fri. 6:30-8:30pm free. Other times \$8.50. Call 212-708-9480.

**AUG. 24-29: FESTIVAL OF LIFE RALLY, CONCERT + MARCH AT THE DEMOCRATIC PARTY'S NATIONAL CONVENTION IN CHICAGO:** Daily events, workshops, speakers, bands, and groups dedicated to presenting creative, non-violent platform to stop Republicans and all other war machines. Join Andrew Hoffman (son of Abbie) Mayor Robert Daley (son of Mayor Richard Daley) and veterans of the 1967 convention/police riot. Info available through A-Zone Books: 312-278-0775.

**AUG. 25: HUMAN RIGHTS + HOUSING IN LOISAIDA:** Massive community rally and march by Lower East Side residents against budget and welfare cuts, privatization of public housing projects, evictions of squats and persecution of the poor and homeless. Speakers and info tables. Sponsored by Concerned People For Loisaída. At Tu Pueblo Batey Peoples Garden, East 4th St., between Avenue C + D. 3-6:00pm. Info available through Black-Out Books: 212-777-1967.

**AUG. 25: RADICAL WALKING TOUR OF CENTRAL PARK:** See sites of Anti-Vietnam War marches, Martin Luther King, Harvey Milk, John Lennon. Meet in front of USS Maine monument at Columbus Circle entrance to park at 1:00pm. Only \$6 for 3 hours. Call 718-492-0069.

**AUG. 28: POETRY READINGS:** Local poets read their works at the 6th St. + Ave. B garden. 7:00pm. Free. Call 212-982-5673.

**AUG. 31: LOUD FILMS, RARE MUSIC: THE NY ARCHIVES OF TV ROCK:** Rock films from the '50s through the '90s made for TV shown on the big screen. Walter Reade Theatre, 165 W.65th St. \$8.00 Call 212-875-6500.

**SEPT. 1: RADICAL WALKING TOUR OF CHELSEA:** Sites of Communist and Socialist Labor parties, Valerie Solanas, Emma Goldman, Malcolm X, Margaret Sanger. Meet in front of Chelsea Hotel, 222 W.23rd St. 1:00pm. Only \$6 for 2½ hours. Call 718-492-0069.

**SEPT. 8: 1996 NYC CENTURY BIKE TOUR:** Transportation Alternatives, the country's largest cycling anti-auto advocacy group sponsors city-wide bike tour exploring the far corners of NYC. Meet at Central Park at 103rd St. + 5th Ave. 6:00am. \$15-30 registration fee. Call 718-858-0683.

**SEPT. 9: HELL REVISITED: 25TH ANNIVERSARY OF THE ATTICA UPRISING:** 43 people were killed and hundreds injured in the Sept. 13, 1971 rebellion against conditions in Attica State Prison in upstate New York. Two survivors and their attorney speak on the uprising and on today's prison system. Learning Alliance, 324 LaFayette St. 7:00pm. \$5.00. Call 212-226-7171.

**SEPT. 10: SPEAK OUT AGAINST POLICE BRUTALITY:** On Dec. 22, 1994, Anthony Baez was playing football when the ball accidentally hit a cop car. Six cops attacked Baez, strangling and killing him. The murdering cop is still on duty. Join the Baez family and the Committee to Remember Anthony Baez to demand an end to police brutality. On the steps of Bronx Supreme Court, 161st St. + Grand Concourse. 9:00am. Call 212-798-2466.

**SEPT. 13: COMMEMORATION OF THE 25TH ANNIVERSARY OF THE ATTICA UPRISING:** Sponsored by the National Congress for Puerto Rican Rights, survivors of the Attica riot, and others. At New York University. Call 212-631-4263.

**SEPT. 20: ALLEN GINSBERG "UNPLUGGED":** Beatnik poet Ginsberg and guests read, chant, sing and celebrate poetry. Benefit for Learning Alliance. International House. 8:00pm. \$10.00. Call 212-226-7171.

**SEPT. 21: RADICAL WALKING TOUR OF CITY HALL AREA:** Sites of Sacco + Vanzetti, African Burial Ground, Transport Workers' Union, Brooklyn Bridge. Meet on steps of City Hall at 1:00pm. \$6.00 for 2½ hours. Call 718-492-0069.

**SEPT. 21: POLICE CONFRONTATION TRAINING:** NY Lawyers' Guild workshop on what to do when confronted by cops and how to handle police conflicts. Lawyers' Guild, 126 University Pl., 5th Floor, 10:00am-4:00pm. Free. Call 212-255-4181.

**SEPT. 26: THE SOCIAL HISTORY OF HYPE:** Hunter College media scholar Stuart Ewen speaks corporate PR hype and how not to be manipulated. Learning Alliance, 324 LaFayette St., 7th Floor, 7:30pm. \$10.00. Call 212-226-7171.

**OCT. 3--JAN. 5: NO WAVE CINEMA 1978-1987:** In those years, the Lower East Side became a center of new music and independent filmmaking. This exhibit includes films and videos by Jim Jarmusch, Lizzy Borden, Beth B. and others. Whitney Museum, 945 Madison Ave. Thurs. 6-8:00pm free. Other times \$8.00. Call 212-570-3676.

**OCT. 12: RADICAL WALKING TOUR IN GREENWICH VILLAGE II:** Sites of riots, murder, prohibition, Rosenbergs, 1863 Draft Riots, Industrial Workers of the World. Meet in front of Village Cigars, 7th Ave. South + Christopher St. (Sheridan Sq.) at 1:00pm. \$6.00 for 3 hours. Call 718-492-0069.

**OCT. 12: NATIONAL MARCH FOR IMMIGRANTS AND THE POOR:** Sponsored by Immigrant Workers' Association. Meet in Washington, DC in front of Lincoln Memorial. Call 212-505-0001.

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(10 cents per word, \$1.00 minimum)

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**INFORMATION NEEDED** for upcoming urban guerilla handbook to be published by SHADOW Press. How to stuff, police methods of operation, legal info, experiences, battlefield plans, hacking/ phreaking info, dos and don'ts, photos, diagrams, illustrations, etc. Anything will be appreciated and reciprocated!! Send to: *The SHADOW*, P.O. Box 20298, New York, NY 10009.

**OCT. 20: RADICAL WALKING TOUR OF THE LOWER EAST SIDE:** Sites of Rosenbergs, Communist Party, 1917 Anti Inflation Riots, labor unions. Meet across from old Jewish Daily Forward Bldg, 175 Broadway at 1:00pm. \$6.00 for 3 hours. Call 718-492-0069.

**OCT. 22: NATIONAL DAY OF PROTEST AGAINST POLICE BRUTALITY:** Organized by Int'l Concerned Friends and Family of Mumia Abu Jamal, Dec. 12th Movement, and others. Call 212-642-8812.

**OCT. 31: HALLOWEEN SMOKE-IN:** Join your friends and neighbors in partaking of free marijuana in Tompkins Square Park. Look for street posters for more details as Halloween approaches.

**911 PLUS 666 = 1933.** Nazi's practiced satanism. Could satanism be fueling all police corruption, brutality and lying under oath?????????

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# ON GOGOL BOULEVARD

By Neither East Nor West

On Gogol Boulevard (OGB) is a news-service and update produced by NYC Neither East Nor West, networking alternative and opposition groups in the West and Communist/ex-Communist countries, printing news and documents unavailable in the corporate or "left" media, also incorporating struggles in the "Third" and "Fourth" (land-based indigenous peoples) worlds, with a focus on groups with anti-authoritarian and anti-Stalinist perspectives. We take our name from Gogol Boulevard, the hippie/alternative hang-out in Moscow under the Soviets.

OGB is not for anarchists only. We are interested in all things promoting freedom: workers'/women's/minority/gay rights, environmental/self-determination/anti-militarist issues--any struggle pursuing paths outside capitalist and state bureaucratic models. We invite all those with similar perspectives to contribute to *The SHADOW's* OGB section. Please address letters, reports, documents, debates, graphics, photos, etc. directly to OGB at: OGB/NENW-NYC 528 Fifth Street, Brooklyn, NY 11215, or call 718-499-7720.

## OVER THE WALLS OF NATIONALISM & WAR

[Joint statement by Serbian and Croatian anarchists distributed throughout former Yugoslavia]

Yugoslavia was bound to disintegrate. As any other "real socialist" country, it was a dictatorship, a bureaucratic authoritarian regime that cancelled freedoms. The so-called "freedom" that was intrinsic to "our" country compared to the other Eastern European countries was nothing but an illusion; again, whoever raised a voice against it could expect a police baton.

Our abundantly-praised "self-management" was yet another illusion; did working people have the opportunity to freely associate, to reproduce and to exchange their products benefiting everyone? No, they did not.

On the other hand, we should not have illusions about the Western capitalist chimera, which is no better; the "free" market is just another apparition ruled by the interests of the rich and powerful. Its foundations are savage competition, and exploitation of human by human and nature by human. It brings wealth and privileges to a minority, and repression, poverty and famine to the majority.

Due to the collapse of Yugoslavia, a lot of state bureaucrats were left without their role. Those who always wanted power masterminded a way to realize their ugly goals: new nationalist states were born out of the will for power among the old power-hungry nomenclatura [communist administrative elite]. They are the ones who painted a picture of the enemy oppressor (Albanian, Serbian, Slovenian, Croatian, Muslim...) using the mass-media. Just the ideological facade changed; now it was nationalism rather than socialism. The desire for power at any cost behind the facade did not change at all.

The same responsibility also bears on the international business and political structures. They actually profit from the continuation of this war; multinational corporations get more things to rebuild, the UN confirms its role as global policeman of the New World Order, manufacturers and dealers of arms make more profits supplying warring ethnicities, various state-run humanitarian organizations advance their own governments' agendas in the conflict in the guise of supplying "aid." All of them are just speculators that build their financial, political, denominational and military power on violence and exploitation.

Therefore, we must remove the veil they put over our eyes: our enemy is not a Serb, a Croat or a Muslim. The aggressors and occupiers are states, all states and masters, political bosses, the military and the clerics. The victims are the exploited, hard-working people, unemployed, retired, students--regardless of what nationality they belong to. Real solidarity shows through direct action against the causes of war. Anything else is manipulation of war profiteers and the "armed peace" of the present nationalist madness.

Until now, the powerful of all sides have used us for their dirty games, giving us only war, death, violence, unemployment, destitution and despair in exchange. Enough! Rebel!

**WE WANT TO ABOLISH ALL ARMIES, OPPOSE ALL WHO ARE IN POWER, AND DISABLE THOSE WHO USE WAR TO MAINTAIN THEIR POWER.**

We want to regain control over our lives, to create a society without a state, without borders, without exploitation, a society based on free association between free individuals so each one of us may fulfill his/her needs and not lose empathy for the needs of others.

**LET US NOT BE AT PEACE WITH THOSE WHO WANT WAR!**

ZAP (Zagreb Anarchist Organization) c/o ARK, Tkalciceva 38, 41000 Zagreb, Croatia

CRNI GAVAN (Black Raven) c/o Dragon Marcovic, Filipa Visnjica 10, 11420 Smed Palanka, Serbia, Yugoslavia

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## CROATIAN ANTI-WAR NEWSPAPER UNDER ATTACK

By OGB News Service

Croatia's independent satirical weekly *Feral Tribune* is under attack by the war-mongering ultra-nationalist regime of President Franjo Tudjman. Along with the anarchist *Arkzine*, *Feral Tribune* is a lonely voice of dissent in militarized Croatia--and Tudjman's machine is trying to shut it down under a far-reaching new law controlling the press. Two editors may face imprisonment just for lampooning Tudjman.

In May, Nevenka Kosutic, Tudjman's daughter, sued the struggling paper for 3.5 million kuna, or \$635,000. The paper claimed that she set up a profitable business using government connections--the latest in a series of reports in the independent media that Tudjman's family and friends have enriched themselves while much of Croatia lives in or near poverty.

This is one of many legal moves aimed at bankrupting *Feral Tribune*. That same month, charges were brought against *Feral Tribune* editors Viktor Ivancic and Marinko Culic under a new law that forbids journalists to "offend" leading officials. The Prosecutor-General's Office on May 16 sent the editors a court summons on charges of making President Tudjman "an object of libel and slander" in an article criticizing his suggestion that the remains of World War II Croatian fascists be reburied alongside their victims.

This is but one of many statements by Tudjman minimizing the genocide perpetrated against Serbs, Jews and Roma ("gypsies") by Croatia's pro-Nazi Ustashe regime, which established its own death camp at Jasenovac. Tudjman also recently stated that many of the thousands buried at Jasenovac were actually killed by the anti-fascist resistance--a dangerous and cynical distortion of history.

Tudjman's troops in neighboring Bosnia have just carved that country up in a deal with the rival despot Slobodan Milosevic of Serbia (and the connivance of the US, UN, NATO and EU).

Last year, Tudjman attempted to shut down *Feral Tribune* on "pornography" charges for printing a cut-and-paste photo of Tudjman and Milosevic in bed together.

Ivancic and Culic are the first journalists to be prosecuted under the new law prohibiting criticism or satirical commentary on the president, prime minister, parliament speaker or chief

*Feral Tribune*



magistrates. International media organizations and Croatian opposition groups have condemned the law, which imposes a sentence of one-year imprisonment for libel and up to six months for slander.

*Feral Tribune* was originally a satirical insert to the Split newspaper *Slobodna Dalmacija*. In 1993, *Slobodna Dalmacija* was "privatized" to a group close to the Tudjman circle. *Feral Tribune* became an independent weekly, led by the old editors from *Slobodna Dalmacija* who refused to toe the Tudjman line.

That same year, 34-year-old editor Ivancic was drafted--the only editor in Croatia to face conscription. Since then, some 15 lawsuits have been launched against the paper, totalling nearly \$1 million. Most have been brought by Croatian police and military officers accused by *Feral Tribune* of war crimes. And Ivancic now faces imprisonment.

In June, the trial against Culic and Ivancic was unexpectedly adjourned on its first day. The trial is scheduled to resume in September, when new witnesses are expected to appear. Neither East Nor West is organizing a protest at the Croatian consulate in New York to support *Feral Tribune*, to be held on September 20, five days before the trial resumes. Contact NENW-NYC for details.

(Thanks to OMRI Report, Open Society Institute)

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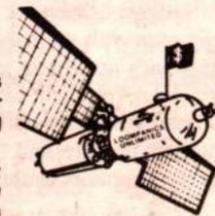
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# SUB-CULTURE

## PERMANENT AESTHETIC SUBVERSION

By Nikky Merotta

### ART IN A CHOKE-HOLD

By Dan Boyle



"THE ECLECTIC HORSEMAN"

c.1992 By Eric Drooker

Gallery art. Downtown. Hobsnobbery. Artists, art critics, art historians, art lovers, we've heard them all before. It's time, I say, it's time for a different take on art, a different point of view--yes, that's what we need. How about a report from the trenches, a view from the spew, if you will. No, not a word from the studio, but from someone who knows art both indoors and out, someone who's "experienced" more art than you can poke a stick through. The only guy (or ever more increasingly, girl) in the place who knows if that scratch should be there or not. (Nice touch, innit?) Yes, that's right, the art handler.

So here I am, Dan the art handler/critic. For the next SHADOW, I am working on elaborate system whereby we will be able to evaluate art by the obviously most important criteria: portability (How big is it? Is it easy to move?) and coolness. However, for the time being, we are on our own.

Now for some hardcore critiquing, oui? Let's start with a small downtown show at the Holly Solomon gallery on Houston Street at Mercer featuring works by Eric Drooker and Paul Garrin.

Drooker; he's hip, he's downtown; we've all seen his flyers; pigs and dogs and squatters. Throw in a few sympathetic east village types, a couple drummers and you've got a warm slice of urban struggle. Struggle against the man. The big mean man with the nasty drooling attack dog that's not gonna let me sit on his stoop. Fuck the man! we say, hey fuck you man! Just leave me alone so I can draw my pictures and have sex and love my neighbors cause they love me.

Drooker's images and his politics are vital, but what I miss in his art is something that speaks to what shits people are in general. I mean, the biggest problem most of us face during the course of a day is a freight elevator guy with marriage problems pulling on a Newport or some Acura borne "bridge and tunnel" with a cell phone and no respect for lane sovereignty.

Everybody's a shit; yuppies, squatters,

politicians, students and the man. (No, the man is not a politician.)

I guess Drooker is painting in broader strokes, taking into account some aspect of goodness in people. He basically seems to say, Hey, there's good and there's evil, and you should pick one." Okay, fine.

Now, even if you're familiar with Drooker's work in the SHADOW, WWII Illustrated, his books, flyers and other exposures, I bet you haven't seen them in color. All of the individual prints in this show (there are two panels of storyboard in black and white) are color prints of older stuff. It is a smart progression from the knowledge and experience of his stark xerox-friendly urban landscapes to the vivid and beautiful celebrations these same images become with a bit of color.

Paul Garrin's piece "Border Patrol" must be behind that wall over there behind which we can hear all the gunfire. So you turn the corner and step into no man's land. Even without the help of the title, it would be obvious that this piece is about the growing hostility and recent pending legislation concerning immigrants.

It would be obvious that is, if you didn't know that the man was after you, but you do now thanks to Eric Drooker. You know that it's you and you're at the end of the line. A tall, cold, sheet metal fence topped with barbed wire, but where can you go? The man is on your tail with his pissed off dogs. You step forward and with a whirl of robotic sensors you are briefly flashed a vision of your mortal noggin before it is to be systematically blown apart robocop style from several unmanned towers. Hey, this is supposed to be an art show, and now the man's gonna kill me! There's no way out! These robots don't care that I'm a person! A human being, can't you see? I'm alive and I want to be free. Please don't! No, I've never seen a humpback whale!

*a fuckin' freak a'nature*

Here I stand at the balcony of contradictions, watching the whirl of confusion and chaos, wondering if there will be a clearing, if the ashes will settle or will the smoke and pollution of too much unchecked confusion choke us all and limit our oxygen supply to the brain forever dulling our human imaginations. I hope not, I certainly hope not. We must be on the alert, we must take back the night and days and our lives. Their tricks are many, we must fight through the imposed confusion with stop-in-your-tracks, piercingly applied Reason. Remember you don't have to be smart to think. IQ is a social construct, another non truth implanted in the social psyche to cause fear and loathing of natural diversity in the human family, a beautiful diversity in harmony with the true concept of equality. So any way remember you don't gotta be smart to think, just cause maybe you didn't do so well in school, each and every one of us has the ability to Reason which is a high art we can each practice by thinking and feeling in a more balanced proportion to each other and of course reading helps stimulate the mind's ability to think.

Okay hey I'm writing this column so I'll be telling you alot about what I think about things, alot of things I see out there I don't like and sometimes I'll be telling you about the precious gems that appear amongst all the garbage. So I'm looking for anything with content, underground culture with a heart. I want to see the political and the cultural together where they belong in an eternal embrace beating within the human heart, mirrored in the human art. I want to see films, poetry, music, essays whatever, which contain the mysterious pearl emanating the unexplainable warmth. Please readers send me some good stuff, I am tired and weary of the mirth of futility. I will review what I can in upcoming issues. I am looking for signs of hope for what is a gypsy without hope?

For starters, I suggest you all read or reread the essay "Art and Revolution",

by Herbert Marcuse. It can be found in the book, Counterrevolution and Revolt by Herbert Marcuse. It is most enlightening, even if you don't understand it all, (I didn't), just read it. What he says about the word *fuck* really makes sense. He writes about the contradiction between the actual meaning of the word and the way it is used. Marcuse says we only help to debase and degrade our own humanity by attaching the word *fuck*, a liberating human activity and then pairing it up with our oppressors as in, "Fuck the police, Fuck the system, Fuck Nixon, etc. (Now I know that's not what we wanted to do!) Most of this misuse of the word came about in the sixties. Maybe now is the new time to take back the words, our lives and our humanity and not let our heads get so turned around. So I call now for a boycott of the word fuck in that way when it is used as a verb attached to oppressors. Try "goddamned" instead, it does make better sense. (Catholics, don't fret. You're not damning God. You're saying "God damns the system" or whatever.) I will still use the word in the positive cause it is a cool adjective to express when something is fuckin' great. ANY way...

What in hell is going on in the cultural underground? Talk about words that need to be reclaimed, there's a loaded one--*underground*. Why do I keep seeing crap being called underground? Why is pornography and such that maintains and perpetuates racist, sexist, meanist stuff towards humanity--exploits and sensationalizes violence, why is all this crap being called "underground?" Underground culture and activity was never meant to be the sewer line of the mainstream, which is what a lot of this underground art is, CRAPOLA.

In fact the use of the word underground was first used in a cultural/political way with the Underground Railroad, which was not literally an underground railroad but a

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# SUB-CULTURE

## ABC NO RIO STILL UNDER THREAT OF EVICTION

By Steven Englander

Three times since June 1995, ABC No Rio, the community-based arts center, gallery and performance space at 156 Rivington Street, has thwarted attempts by New York City's Department of Housing, Preservation and Development (HPD) to evict them from their premises. A fourth proceeding was initiated by HPD in June. At a hearing on August 23 ABC No Rio's Motion for Dismissal was denied. An eviction hearing has been scheduled for September 30.

ABC No Rio has also brought forth an *Article 78* petition in New York State Supreme Court seeking to nullify the City Council resolution used by HPD to justify the eviction attempt. On December 7, 1995, the New York City Council declared that 156 Rivington Street was a "blight" on the surrounding community and impeded the economic development of the municipality. They then approved the Urban Development Action Area Project (UDAAP) promoted by HPD and sponsored by housing developers Asian Americans for Equality. (See SHADOW #36 + #37 for more--Ed.)

ABC No Rio's *Article 78* challenges this City Council resolution on statutory and First Amendment grounds. The petition argues, and the facts support, that the City has consistently acted in bad faith in its dealings with ABC No Rio and that the intent of the UDAAP approved for the site is retaliatory in response to No Rio's exercise of constitutionally-protected free speech.

Ever since its inception in 1980, No Rio has been critical of New York City's housing policies. Recently, it has held events to raise funds for the East Thirteenth Street Homesteaders' Coalition and has provided space to them for their legal and strategic planning meetings. In its own discontented relationship with the City and HPD, ABC No Rio has over the years staged protests and demonstrations at HPD headquarters, aired its grievances to the media and to public and elected officials, and sought redress and relief in the courts.

On August 8, No Rio's *Article 78* was assigned a judge and a hearing is expected to be scheduled sometime within the next six weeks. For further information, call ABC No Rio at: 212-254-3697.



### RICANSTRUCTION

clandestine network of individuals who would help escaped, fugitive slaves in their passage to freedom from the South to the north and across the Canadian border to safety, until the Emancipation Act could be passed. In fact the exact phrase was said to have been uttered by a master who observed a runaway slave of his disappear into a river and never saw him again. The master was stupified and said that he watched as "the bobbing head of the slave disappeared into the river and then under the water where the slave must have got aboard an underground railroad". Well he was right, but it was no hunk a steel that carried the slaves away to freedom, it was the loving hands of common people, farmers, professionals, lawyers, judges, clergy, even congressmen who were not afraid to take risks for something that they believed in absolutely--Freedom. So you could see why I get so explosively angry when I see oppressive hateful, violent, mean-spirited bullshit being sold to naive people as "underground" culture.

Why the fuck, oops why in hell does the allegedly hip, fanzine bookstore, See Hear (located now at 33 St. Marks Place) list in their new catalogue of distribution, ready for this, the N.A.A.W.P., the National Association for the Advancement of White people. The catalogue lists it, offers it for sale for \$3, and describes it as "an informative newsletter from the David Duke camp. Read about how the Jews own Hollywood, the blacks are coming to get us, and why Pat Buchanan isn't such a bad guy". Can you believe this crap? Who the hell does the store think their customers are? Don't See Hear customers include so-called Black and Jewish people? I am so sick of this shit. Racism, another scientific untruth implanted into the collective psyche to divide us from each other and degrade our own humanity, by replacing the beautiful array of diversity in the human family and supplanting it with the evil notion of superiority and inferiority. Race is a lie. Race does not exist. All humans are of one race, one species, Human. So to you, Mr. Business man, boss-man owner of See Hear, what's ya name Ted or Bob or Bill, I suggest you pay better mind to what you go sellin in yo store. I'd like to see a strong posse of diversity, a group of humans of all shapes and sizes, tall short dark skin light skin some walking, some limping some in wheelchairs, some stuttering, some with developmental disabilities, an array of freaks of nature.

I would like to see them picket your store until you agree to do the right thing and get rid of that garbage and I

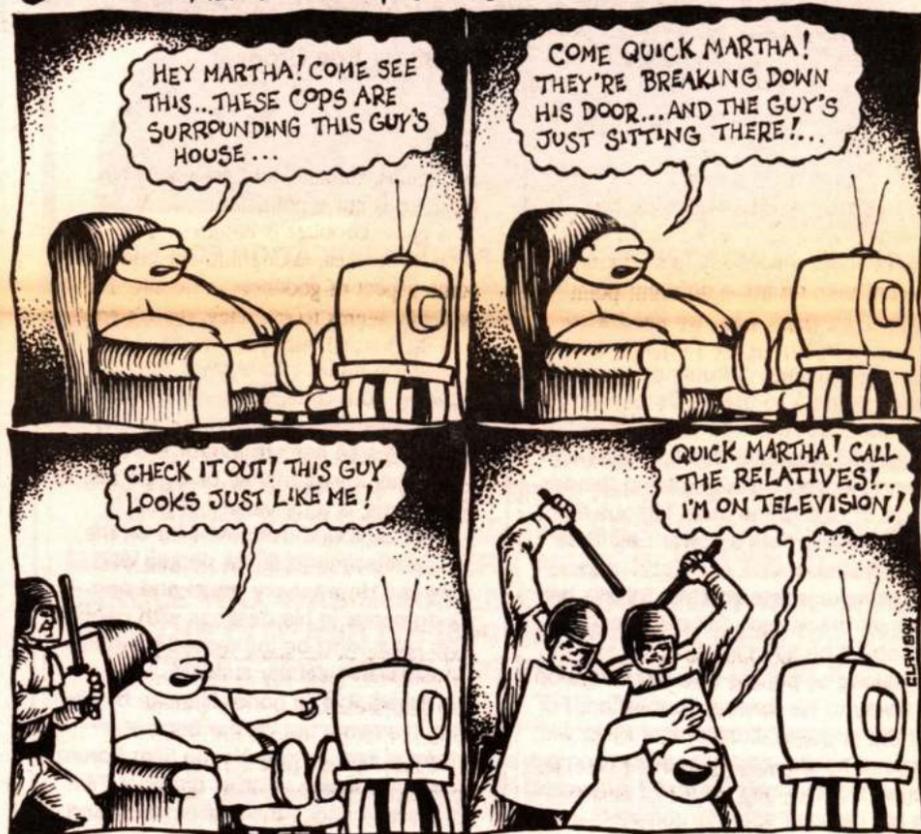
would like to see the people tell you to your face and yes I would not mind seeing you shake a bit in your boots for the shame of your irresponsibilities to the human spirit and the distortions in your mind that you try to sell to others. For shame, See Hear for shame! It is absolutely morally wrong to perpetuate these untruths that threaten life for all of us. Anyway the truth is out there... Let It Fly!

Also now is a good time for me to suggest another piece of reading, a pamphlet entitled "Eugenics and the Pioneer Fund" by Frank Morales, a local prophet, writer, speaker with a deep concern for the morality of humanity. In this recent pamphlet he reveals the sinisteress of the NYC based Pioneer Fund and the devious plans they have in store for us, while perpetuating such bullshit as the "Bell Curve". They are rich greedy evil people trying to sway others into their most sinister plans leading towards the demise of human life and relations, and paving the way for the new world order of "white aryan supremacy" total control, mind control, workcamps deathcamps, etc. Don't fall for it people their tricks are many, be on the alert. Oh yeah so the pamphlet can be found at your local Anarchist bookstore, Blackout Books, Ave. B near 4th street and also Ink magazine store on Ave.A.

Also at Blackout and St. Mark's Books you can find Cocooloco, an anthology of creative writings of the so-called mentally ill and squatters and others of the lower east side and beyond, published by Community Access, a housing and advocacy agency for people with psychiatric disabilities (whoever goes near psychiatry seems to wind up with more mental disabilities than when they started out, now why is that?), and it is edited by and is one of the many dream child of Casandra Stark Mele. A review of Cocooloco that appears in the latest issue of Dendron (the newspaper of the psychiatric survivors liberation movement, it's great, send \$3 for recent copy to Dendron, PO Box 11284, Eugene, Oregon 97440-3484) says, "Casandra includes a note of defiance in this 51 page compilation, linking the spirit of psychiatric survivors to NYC squatters". I loved the surreal poetry!

Some of you may remember Casandra for her film work as a renegade filmmaker from the "Cinema of Transgression". In the new book about the filmmakers, entitled, Deathtripping, by Jack Sargeant, published by Creation Books, Casandra bravely turns a critical eye to the hype, calling for more heart, less ego. I look

### SOMEDAY WE'LL DO EVERYTHING THROUGH OUR T.V.!



Sidewalk Bubblegum ©1994 Clay Butler

forward to reviewing some of her films in an upcoming issue. Until then I can give you an address for Casandra where you can order Cocooloco for \$5 and inquire about ordering her films and booklets. Casandra Stark Mele, P.O. Box 1793, NYC, NY 10009.

Okay, so I guess I'm running out of space here. I just gotta tell ya's about something amazing. I've been fuckin' moved to tears three times now by a local band called Ricanstruction. They are 4 very bright Puerto Rican guys with a big fat sound that'll make yo mamma cry. They are a socially-charged band that has fused the in-your-face assault of punk/hardcore with the cultural strength of Afro-Caribbean rhythms. Order their tape and see them live, by all means see them live. I can say no more as I am speechless. To order cassette tape of Ricanstruction, send \$4 to: Ugly Planet Media, PO Box 205, NYC, N Y 10012.

Adios for now. You can write and send stuff for review to: Nikky Merotta c/o the Shadow, PO Box 20298, NYC, 10009.

## The Realist

YIPPIE! co-founder and satirist Paul Krassner has published *The Realist* since 1958. But when People magazine called him "the father of the underground press," he immediately demanded a blood test. Only 13 more issues of *The Realist* will be published. They will not be sold in bookstores or on newsstands, so if you wish to receive the final 13 issues, send \$25 to: The Realist, Dept. SH, Box 1230, Venice, CA 90294.

# HERBERT HUNCKE: 1915-1996 ROLE MODEL OUTLAW DIES AT 81

By Linda Twigg

*(Herbert Huncke, the man who inspired beat poets/writers Jack Kerouac, Allen Ginsberg, John Clellon Holmes and William S. Burroughs and who gave the Beat Generation its name, died August 8 at the age of 81. Beside influencing aspiring writers of the beat generation in the 1940s and 50s, introducing them to his nether world of sex and drugs in New York's Times Square, Huncke was well known in the current counter-cultural scene, to a new generation of writers and people of alternative lifestyles. In recent years, Huncke had several lecture tours, publishing his fourth book "Guilty of Everything" in 1990. Huncke kept audiences enthralled with his stories and life experiences, getting by with the help of his friends and supporters. Among his benefactors was Jerry Garcia of the Grateful Dead, who, though he never met Huncke, helped him pay his rent at the Chelsea Hotel, where Huncke lived for the last several years--Ed.)*



DAVID A. SANDS

HUNCKE + LINDA TWIGG AT FILM FORUM DEDICATION FOR HUNCKE

In an unusual obituary page, which usually caters to the CEOs of American industry, the New York Times covered the August 8 death of poet and friend Herbert Huncke, noting the passage of one of the most famous members of New York's Lower East Side community.

Huncke was a youthful 81. His hair was jet black and until quite recently he could be seen walking the streets speaking to people he would meet on his way to his newest connection. For all the stressful situations of living with several habits--some legal and some illegal--Huncke had no grey hair except in his recently sported goatee.

Herbert's writing, mostly out-of-print, is beautifully descriptive of his life of travels from the Ponderosa Pine country of Idaho to the lesbian-run speakeasies of Capone-controlled Chicago. Huncke started buying opium from a Chinese dealer in the mid to late 1920s on Chicago's north side. Twenty five cents a bag. Herbert was twelve or thirteen years of age at the time. It was a lifelong habit he was unapologetic about.

For two people who hadn't slept together we were closer than lovers.

When my husband Billy gave me an oral history of the underworld, Huncke's *The Evening Sun Turned Crimson* was required reading and the first book that came up in our conversations. I always wanted to meet him and would look to see if I saw him somewhere. As fate would have it, Herbert passed by my husband's furniture store. I asked him to sign my copy of his book and he graciously did. From that time on, he was one of my closest companions.

Huncke was a modest man and generous. When I found myself squatting in a building, he took me in and

gave me a place to shower and sleep, asking nothing in return. This man, who never had much money of any sort, was an easy touch for the asking--whether it was money or cigarettes. At his home, a wide variety of people could be found from the elite on the cultural scene to street people who "fell in." He was very equal and non-judgmental in his dealings with people. He refused to be impressed by individuals with celebrity status.

I was able to honor Huncke by having his name put on the back of a theater seat at New York's Film Forum on the opening night of the Beat Film Festival. I chose the seat right behind Robert Redford's because in my mind he was just like Robert Redford.

At the Kerouac Conference in Boulder Colorado in 1982, Herbert was flown out to give a reading of his stories and a "writing workshop." He agreed to go on the condition that he wouldn't have to leave the hotel room if he didn't want to. He said, "I don't know what a workshop is, but I don't like the sound of that word 'work!'"

Huncke was on the Beth Israel methadone maintenance program for over twenty-five years. Just prior to his 81st birthday, his urine came back positive for cocaine, heroin, valium, marijuana and methadone. His doctor almost shit. She wanted to know why he continued to "abuse" drugs and he shrugged it off as his life choice. She didn't understand that it was his research.

The methadone maintenance program made efforts to penalize Huncke recently by refusing delivery of his daily dose when it was no longer feasible for him to come in every day of the week but Sunday. He had been beating the system for years but it was no longer possible or desirable on his

# MERLIN: 1955-1996

"What did Buddha say to the hot dog vendor? Make me one with everything"--  
Merlin

Paul Hogan, better known to his friends and neighbors as "Merlin," died on August 16 at the age of 41.

Merlin was one of the original Lower East Side squatters from the early 1980s, before real estate values increased to the point where burnt out and abandoned city-owned buildings became desirable to real estate developers and poverty pimps seeking to enrich themselves and increase their political power at the expense of the poor and homeless, using state and federal funding to create phony low-income housing that later reverts to their private ownership. Rather than sit by and wait years for "low-income" housing, Merlin and his fellow squatters created immediate housing for zero-income people, at no expense to anyone.

In 1988, Merlin suffered a stroke when a mugger hit him in the head with a bottle, resulting in a paralyzed leg.

After years of alternating between squatting and living on the streets, Merlin finally settled at the southeast corner of Sixth Street and Avenue A after he and 40 others were evicted from the Glass House squat by cops on February 1, 1994, one of the coldest days of the year, under the pretext of building housing for AIDS patients. This housing has yet to be built. (See related story elsewhere in this issue--Ed.)

Three months later, on May 10, Merlin was sleeping at his corner when he was awakened by P.O. Waring of the 9th precinct. Waring kicked Merlin in the back several times and demanded that he leave.

Merlin packed his belongings and as he reached the curb, Waring knocked him to the ground and cuffed him. Four cop cars rolled up and took Merlin to the ninth precinct on East Fifth Street where he was forced to crawl from the cop car to inside the precinct because cops didn't want to touch him. He later told the SHADOW that he used the summons they gave him (for "Disorderly Conduct") as toilet paper. Upon release, he immediately returned to his corner.

Unlike other neighborhoods where the homeless are shunned, Merlin was supported by people who gave him food, drink, money, clothes and blankets. Merlin was a constant presence at his corner, reading books, dispensing information, engaging in conversations with anybody, and spreading good cheer, despite the difficulties he had.

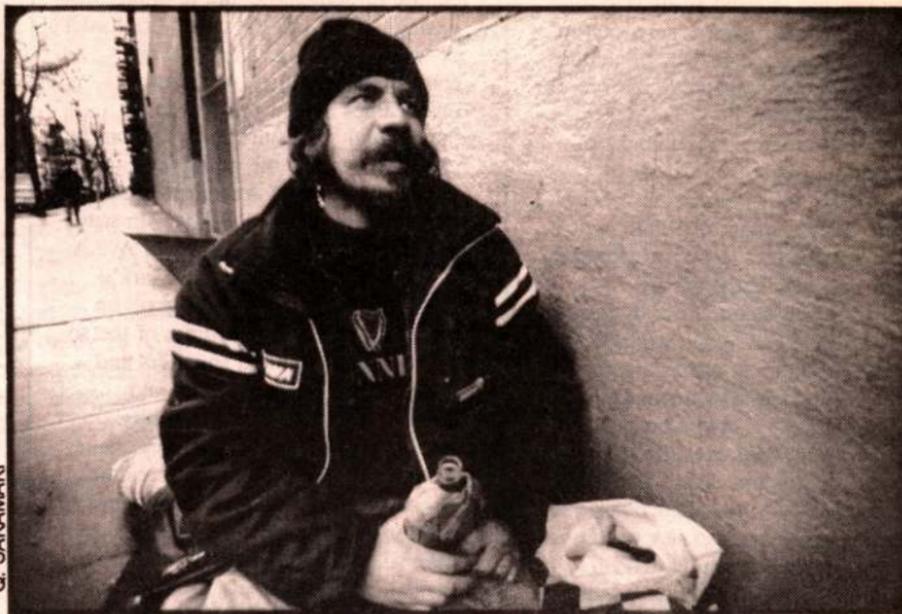
Merlin was refused help from government agencies because he had no ID or social security card. But with the support network he had on the streets, Merlin got by without jumping through government hoops. One friend described Merlin as "the quintessential squatter--he squatted the streets."

In and out of the hospital several times in the past year, Merlin was taken to Beth Israel Hospital on August 15, where he died the next day from complications due to his bleeding ulcers.

That night, a vigil began at Merlin's corner, with diverse people who knew him or had just seen him everyday, reading one of his many books. They gathered, lit candles, posted notes to Merlin and shared their memories of him.

One of the posted notes read: "I dreamed last night I saw Merlin standing." Another said: "You tolerated everyone and that's what made you so great. I'll see you again soon."

The vigil continues as Merlin's spirit lives on.



G. SAKAMAKI

part to take part in their silly games. He flatly refused to deliver clean urine anymore. The "orange handcuffs" had him prisoner.

The clinic would have let him die before they delivered. One of the chief administrators refused to talk with Huncke's lawyers and hung up the phone rather than deal with the issue of a rebellious patient, 81 years old, who was challenging their turf. Herbert wasn't playing their game.

Before physical violence erupted, Huncke's friend and medical proxy Jerry Poynton called the lawyer again. The lawyer the administrator had hung up on was none other than Ron Kuby,

who, when asked to represent Mr. Huncke, agreed, saying it would be an honor. Kuby warned the administrator that if he didn't want to talk to Huncke's counsel, he had better not hang up the phone again or else he would be doing a lot of talking to him in court!

They backed down and gave in.

When visiting Huncke in the hospital last week, he sent the other visitors away and we had a good cry together. "You know, when I was in the streets you were my role model," I said. He said, "Really Baby?" I replied, "You better believe it!"

So be it.



C. SAKIMAKI

## " for merlin"...just one of a million eulogies

By Stephan

and the runaway child asked the wizard;  
 "please give me courage to last on these streets"  
 and the wizard gave the child a sandwich,a treasure map,and a quarter to call home.  
 and the child inquired about brains...,and the knowledge of a million  
 rain-soaked,dog-eared pages poured forth.  
 and finally came the subject of a heart...,and the wizard's magic being of pure love had  
 only one choice;he gave the child his...  
 but this is not "OZ" THIS-IS-THE-LOWER-EAST-SIDE!  
 far more fictional and dangerous...i mean if someone drops a house  
 on your ass YOU SQUAT IT

SO GIFT-GIVING IS A WAY OF LIFE DOWN HERE  
 THE CYCLE IS SYMPHONIC AND UNENDING  
 SPREADING LIKE A SYMBIONIC SPIDER-WEB  
 ITS INHABITANTS SOMETIMES BOTH SPIDER AND FLY  
 WEAVING KARMA WHILE CONSTANTLY CONSCIOUS OF EVER SHRINKING  
 BOUNDARIES

AND WHO WILL PICK-UP THE BATON  
 NOW THAT ONE OF ITS GREATEST CONDUCTORS HAS BEEN SILENCED  
 HIS CORNER OASIS OF PATIENCE,CLEARING-HOUSE OF MOST NEEDFUL  
 THINGS

SGT.PAUL'S BLEEDING HEART AND ULCER BAND PLAYS NO MORE  
 AND THE DEAFENING DIN OF CALOUS "CON" POWER COMPANY CRACKLES  
 ITS SUB-STATION/SUB-HUMAN GOONS GIGGLE KNOWING  
 THIS STEADFAST TREE OF KNOWLEDGE IMMOBILE AND IMMOVABLE  
 FINALLY WITHERED FROM INSIDE-OUT  
 ITS ROOTS IMMUNE TO ALL CHAIN-SAW LAW, GENTRIFY INSECTICIDE  
 SO LIKE NATIVE BLOOD IN TIPI YOU DEFIED THEM  
 LONG ENOUGH(IN SOME CASES)TO BEFRIEND THEM  
 PROUD ENOUGH,SINCERE ENOUGH,REAL ENOUGH  
 SOON THEY BROUGHT THEIR RESOURCES TO THE SYMPHONY,THE CYCLE  
 "ONE MAN CAN MAKE A DIFERENCE"/"STAND(OR LIE)LONG ENOUGH IN  
 ONE PLACE

AND THE WHOLE WILL COME TO YOU"...  
 THESE AXIOMS RANG TRUE IN YOUR EMERALD CITY  
 WHERE CRUSTY MUNCHKINS (WHEN SMART ENOUGH TO FOLLOW YOUR  
 LEAD)

FOUND LIFE THERE A BIT MORE BEARABLE  
 THEIR FLYING MONKEYS(ON BACK) SOMETIMES TAKING MORE THEN  
 THEY DESERVED  
 YOU KNEW..BUT LET THEM LEARN THE HARD WAY  
 AND THE SLEEPLESS NIGHTS LISTENING TO YOUR BROKEN APOSTLES  
 YOU TOLD THEM THEY COULD WALK...YOU TOLD THEM THEY WEREN'T  
 BROKEN

THAT SELF PITY ISN'T MAGIC; JUST A CRUEL TRICK YOU PLAY ON  
 YOURSELF  
 NEW YORK THIS IS YOUR SQUAT EVICTION LEGACY  
 TROUBLED GENIUS SLEEPS ON YOUR SIDEWALKS  
 YOU PASS THEM...BUT DO THEY EVER PASS THROUGH YOU?  
 HOW CAN THE COUNTED OUT...COUNT FOR SO MUCH...TO SO MANY?  
 THE ANSWER WAS IN THOSE TWINKLING BLUE STARS FOR EYES  
 REFLECTING POOLS OF KINDNESS;RESPECTING ALL/REJECTING NO ONE  
 YET BLIND BEYOND THE VERY SQUARE OF CONCRETE YOU OCCUPIED  
 THINKING MY SPARE GLASSES WOULD INCREASE YOUR WORLD,I WAS  
 WRONG

AND THOSE TOO WERE STOLEN,(OR PROBALLY GIVEN AWAY)  
 YOUR VISION WAS INSIDE OF PEOPLE;YOU GOT THEM CLOSE AND  
 READ'EM

LIKE A BILLION BOOKS DEVoured BY STREETLIGHT  
 THE BODHISATVA SUFFERS IN DIGNITY LONG AFTER THE AVENUE DIES  
 IT IS PURPOSE AND PERPETUITY/IT IS PROMISE AND NO "PROMISED LAND"  
 IF ONE TEAR WOULD FALL FROM EACH EYE THAT GAZED UPON THIS  
 MAN

WATER AND ELECTRICITY WOULD CURDLE THE CAPPUCHINO  
 NIGHTMARE  
 CALLED "EAST VILLAGE"

THE FLOOD WOULD RAISE FROM OUR DRAINING SOULS SO HIGH  
 THAT UNCLE RAY HAVE TO BREAK-OUT THAT HIDDEN ARK  
 DEEP IN THE NEWSTAND BASEMENT AMONG COUNTLESS "U-BET"

### BOTTLES

"FLOAT IT BROTHER!" "FLOAT IT SISTER!"...FLOAT THIS BOAT FOR ALL;  
 ALL WHO BELIEVE IN A TRUE BOHEMIAN BORICUA  
 BLESSED WITH BRAVERY,BRILLENCE,BANDSHELLS;  
 OPEN MINDS SPEAKING ALL NIGHT IN OPEN PARKS  
 HUSTLING,HARANGING...HEADED TOWARD THE BEDROOM  
 I CAN SEE IT NOW AS THE SHIP IS STEERED WITH A SODA-FOUNTAIN JERK  
 'MAMA' SWEEPING THE DECK,GREY BOUFANT GLEEMING  
 HALLY-LOO-YAA! I LOVE YOU!!!!

IT WAS THE LAST TIME I SAW YOU AND "DOG-BOY" HAD PERISHED IN  
 FLAMES

WE WITH HEAVY HEART DISCUSSED THE LACK OF MUTUAL  
 APPRECIATION;

HOW OFTEN WE THINK THEY'LL BE THERE FOREVER...

I SHEEPISHLY ASKED TO TAKE YOUR PHOTOGRAPH

I TOLD YOU I WASN'T SURE WHY I WANTED IT, JUST DID

I THINK YOU KNEW....

and the runaway child (finally ready to go home) asked the wizard the way.... and the  
 wizard needing sleep (and a real home himself)

responded;"you blew the quarter on a "40"; "your "DOCS" aren't ruby;

"so maybe you're home kid, MAYBE YOU'RE HOME"

and with that said the wizard went into a very, very deep sleep

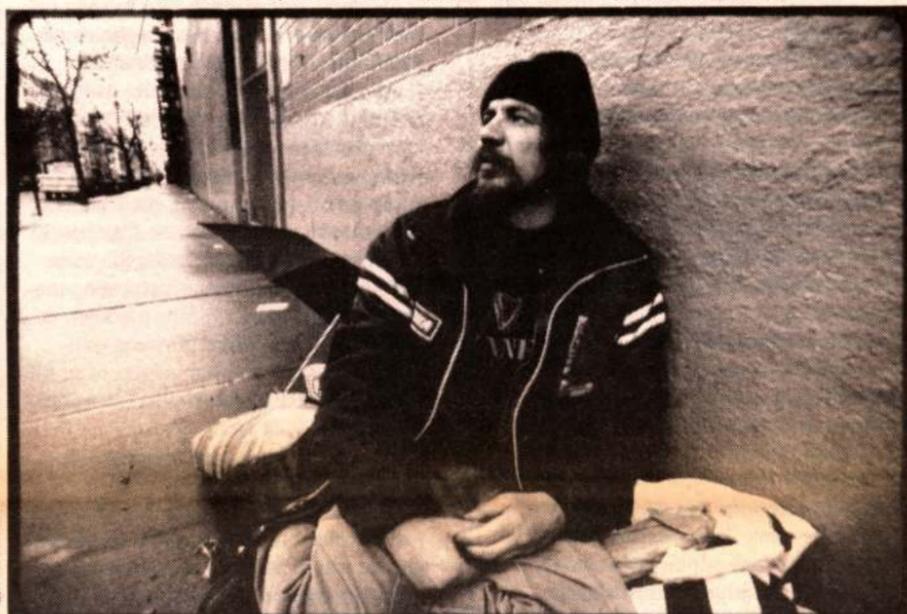
dreamtime of love and all the dharma he'd sown

it led him quickly to a better place; and how did he get there?

like a newborn doe on skaky legs

he walked,he walked.....

PERPETUITY/IT IS PROMISE AND NO "PROMISED LAND"



C. SAKIMAKI

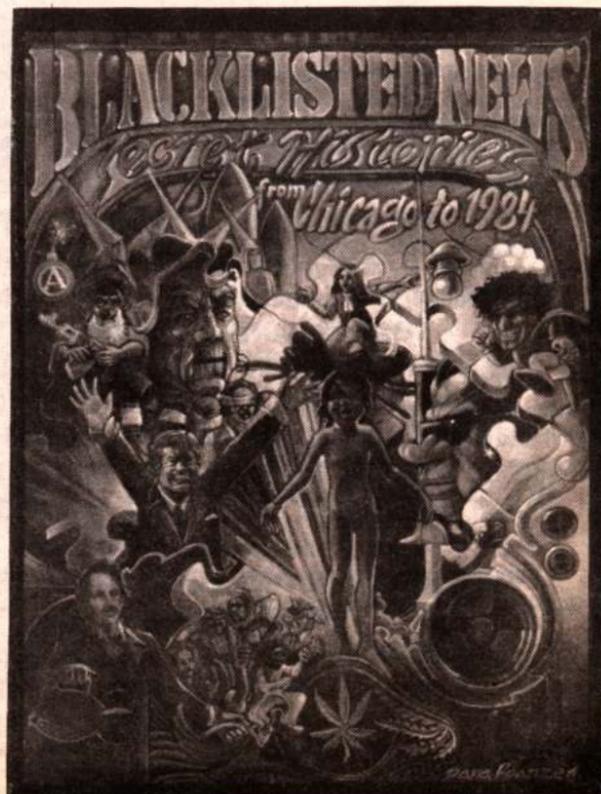
**EDITOR'S NOTE: AT MIDNIGHT ON AUGUST 22, ALMOST EXACTLY A WEEK AFTER MERLIN'S DEATH, NINTH PRECINCT KOPS REMOVED THE SHRINE CREATED IN MERLIN'S MEMORY. POSTERS WERE REMOVED AND THE CANDLE WAX WAS SCRAPED OFF THE SIDEWALK, MUCH LIKE THE CITY AND ITS KOP ENFORCERS REMOVE AND SCRAPE THE HOMELESS FROM THE SIDEWALKS THROUGHOUT THE CITY.**

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# SHADOW PLAY Continued From Page 8

on May 5. Chiapas was once more at the brink.

## MOTA AND MILITARIZATION

The tension centered around Oventic, a small outlying Tzotzil village near San Andres Larrainzer. This is the heart of Zapatista country in the Highlands. San Andres has been divided since the 1995 elections, with a *PRista* junta and an Indian council supporting the PRD candidate both claiming to be the legitimate government. But unlike in most Highland villages, the PRD forces have control of the town hall and have declared the entire municipality of San Andres "in rebellion." At Oventic, there is an open Zapatista presence; *campesinos* work the fields with masks on their faces, and banners announce to the visitor that this is rebel territory. Oventic is one of four communities in Chiapas which have erected "Nuevo Aguascalientes" centers--Zapatista community meeting places named after the historic revolutionary summit meeting in the city of Aguascalientes in 1914.

Days after the EZLN broke off the dialogue, columns of troops, tanks and trucks rumbled up the mountain road from San Cristobal, through San Andres to Oventic--right past the Zapatista banners and the Nuevo Aguascalientes center. The troops established encampments and fanned out over the mountains and *milpas* in search of the evil weed.

Under the command of Col. José Ernesto Ledin, the troops were part of the ironically-named Rainbow Taskforce (*Fuerza de Tarea Arcoiris*), a special anti-*mota* unit.

On May 21, reporter Hermann Bellinghausen reported in Mexico City's opposition daily *La Jornada* from the federal army encampments at small *campesino* communities just outside Oventic. He overheard troops of the Rainbow Taskforce chanting their special code-word to each other through their radios: "Bosnia, Bosnia, Bosnia."

This "left no doubt" of their intentions, marked Bellinghausen.

But Col. Ledin denied any provocation. "Let's not try and invent any kind of conflict," he told *La Jornada*. "This is exclusively part of the permanent anti-drug campaign."

He boasted that his troops had found numerous marijuana plantations and a few opium crops in the environs of Oventic--and burned them on the spot. He reported that twelve *mota* fields were burned, each of up to 4,000 square meters and filled with plants over a meter high.

On May 31st, CONPAZ stated that the community of Oventic was "deser-

ted," the homes "abandoned," the inhabitants having fled to San Andres and elsewhere in fear of the government troops. "The new military camp is located two kilometers from Oventic in two communities, Jolbash and Sikitucum," reported CONPAZ. "The few families that were residing in the community of Jolbash left in fear, after approximately 153 soldiers entered their community to set up camp."

The ranking Zapatista at Oventic, Captain Noe, told CONPAZ, "the pretext is to look for drugs, but that is not true. What they are looking for is a strategic position against us."

The government remained intransigent. Before the dialogue was broken off, the next round of talks had been scheduled for June 5. A spokesman for Gobernacion, the interior ministry, told the press, "If the Zapatistas don't show up on June 5, then we will carry out the arrest warrants against them and everything will be ruined."

Federal troops were also moving on the Highland Zapatista strongholds of El Bosque, Simojovel and Bochil to search for *mota*. In Palenque, *campesinos* sent a letter of protest to Gobernación Minister Emilio Chuayffet, complaining that 150 soldiers had set up camp and were searching their homes. In Altamirano, the Tzoman Campesino Organization sent a letter to the state and federal governments protesting the invasion of a local *ejido* by a convoy of eight trucks and three tanks on anti-marijuana ops. A communique from the EZLN's CCRI of the Highlands warned of the "threat of war."

Troops were also moving into the Lacandon Selva.

At the Selva village of San Quintin, just beyond La Realidad--the Zapatista village where Subcommander Marcos gives his press conferences and where another Nuevo Aguascalientes has been built--military engineers were building a bridge and expanding the road to facilitate anti-drug operations.

Chiapas "has long been a thoroughfare for drug traffickers who have tried to introduce huge quantities of cocaine," Renan Castillo, head of the 7th Military Zone in Chiapas, told the press. He said the extremely remote Marques de Comillas region, in the heart of the jungle near the Guatemalan border, where the EZLN is believed to have their deepest rearguard bases, had become a key transfer point for drugs.

"In some places military pressure has dropped. But in others, under the drug trafficking pretext, the soldiers are harassing civilians. That makes us think there are some in the military that want peace and others that want war," Com-

mander Tacho of the EZLN-CCRI said in a jungle news conference.

In the first days of June, as the military anti-*mota* operations ended and the deadline for resumption of talks neared, this reporter, sufficiently recovered from a case of salmonella to leave his hotel room, hopped on a *colectivo* micro-bus in the San Cristobal market for San Andres. An hour's trip along winding mountain roads brought us to the military encampment overlooking the entrance to the village. Soldiers surveyed the passing traffic, but didn't stop our vehicle. When we came to a halt in the *zocalo* of San Andres it was immediately clear we were in rebel territory. On one side of the square, Indians prayed and burned *copal* incense among the ancient images of saints and virgins in the town church. At the other end, the municipal palace, under PRD occupation, was hung with a banner:

**IMPORTANT WARNING:  
IN THIS MUNICIPALITY IN REBELLION  
IT IS PROHIBITED TO CULTIVATE,  
TRAFFIC OR CONSUME DRUGS. HE  
WHO IS DISCOVERED DOING SO  
WILL BE EXPELLED FROM THE  
COMMUNITY.**

The anti-*mota* militarization has, ironically, only exacerbated the Zapatistas' own puritanical instincts. Alcohol has always been banned in Zapatista territory. Ritual abuse of *trago*, the Mayas' local hooch cane liquor, has been instrumental in keeping the Indians down for centuries. With *trago* production under the control of the *caciques*, ritual alcoholism helps keep the villagers in line. Especially on holy days, the Indians can get terrifyingly drunk. Now, with many *caciques* driving shiny new four-wheel-drive pick-ups in the dirt-poor Maya towns, it is clear they have moved into more lucrative enterprises as well. In response, the Zapatistas have banned *mota* from their territories too.

From San Andres, a second *colectivo* takes us up the road to Oventic. The wood fence around the little agricultural community is adorned with a banner reading "MAIZ Y PAZ, SI; DROGAS Y SOLDADOS, NO" (Corn and Peace, Yes; Drugs and Soldiers, No). The

Nuevo Aguascalientes, visible from the road, is adorned with pictures of Che Guevara, Emiliano Zapata and Pancho Villa--as well as the Virgin of Guadalupe wearing a Zapatista-style mask on her face. An inscription commemorates the two-year anniversary of the uprising: "...y llegaron como el viento...sagrado y poderoso, primero de enero 1994-1996."

Standing guard at the gate is a young Maya man with a cowboy hat, dark sunglasses and a bandana covering his face. He is a Zapatista *miliciano*--a member of the local Zapatista militia, rather than one of the full-time active duty troops known as *insurgentes*. He says his code-name is Noe, like the insurgent captain at Oventic. Since the Rainbow Taskforce had pulled out, the inhabitants of Oventic have mostly returned, and the Zapatista *insurgente* troops under Captain Noe had withdrawn. Young *miliciano* Noe invites us into the Nuevo Aguascalientes to talk.

Miliciano Noe tells us that in the anti-*mota* operations, trucks, tanks and hundreds of troops had passed on the road right by the gates of Oventic, and that war was just a shot away.

"To come into our camp is a violation of the Law of the Dialogue," he says. "If they come here, we could immediately go to CONAI, the press.

They don't come here. But they put troops on all the *cerros* and all the ways in and out. So the people left for fear of an attack. We have received no order to suspend the red alert. We are still surrounded by the military on all sides."

"They were looking for *mota*?"

"That is what they say. But in reality they were looking for a confrontation with us. It was a provocation."

"But they did find *mota*," I say. "Who grows the stuff?"

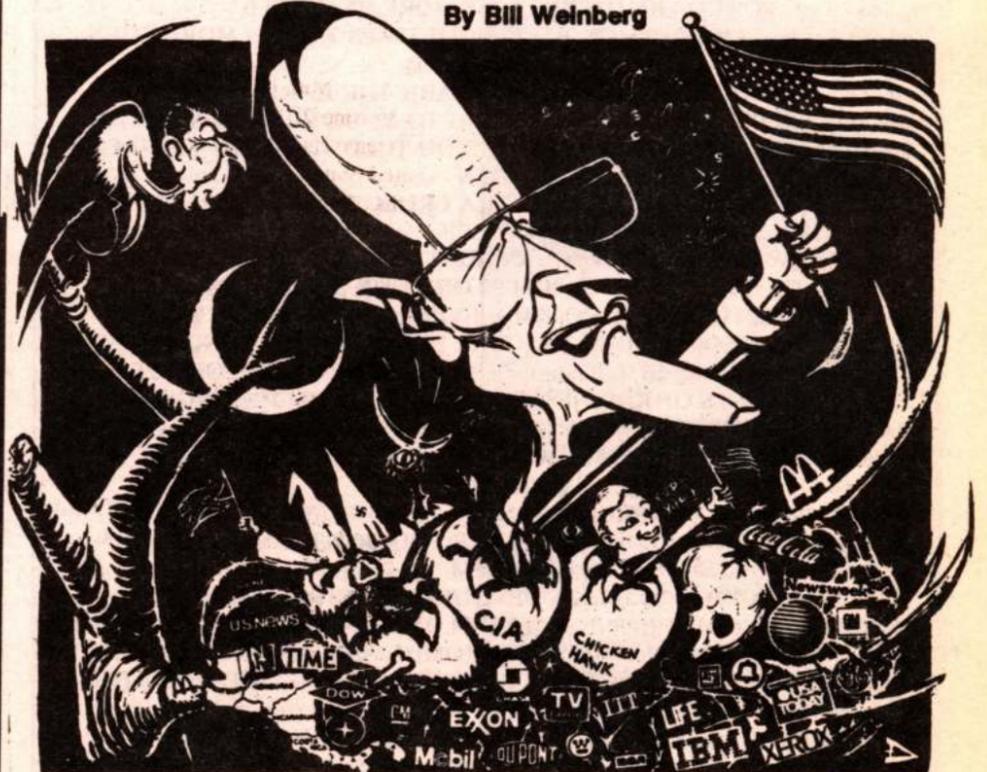
"The same *PRistas*. We organizers of the EZLN--we don't allow any drugs or alcohol in our territory. We have a law--*Maiz y Paz, Si; Soldados y Drogas, No*. It's a campaign we have throughout our communities. We have eliminated alcoholism and prostitution from our communities. It's the same *PRistas* that grow with payments to the local authorities, and when the *federales* come, they blame us."

See SHADOW PLAY On Page 22

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## TERROR BILL Continued From Page 9

Republicans and 67 Democrats. Both Henry Hyde, the Republican chair of the Judiciary committee and John Conyers, the ranking Democrat on the committee both said the amendment, "wiped out the heart and soul of the counter-terrorism legislation."

The Act might have died right there if it weren't for another version of the legislation that was passed by the United States Senate only two months after the Oklahoma City bombing. The Senate bill was far broader than the House version and contained almost all of the provisions that the White House wanted; it eventually was passed by a vote of 91 to 8. The White House decided to put its energy into winning a compromise between the two versions that was closer to what the Senate had voted for. That occurred during the conference committee, when representatives of both houses of Congress work out differences in proposed legislation. The conference committee was chaired by Representative Henry Hyde and included Rep. Charles Schumer. It came up with a new version of the legislation on April 15th, 1996, which restored almost all the provisions that had been knocked out in the House amendment--including the Secretary of State's power to designate "terrorist" organizations--and also defined a new federal crime of "terrorism" allowing the federal government to prosecute crimes that are normally under the jurisdiction of the states. The new version restored provisions for secret evidence to be used in deportations even of long time and permanent legal residents. The final version of the Act was passed by the Senate on April 17th--missing only those provisions allowing roving wiretaps by federal agents and the use of the United States military to assist law enforcement in chemical and biological attacks.

Essentially the conservatives in Congress worried about provisions that would allow domestic radical groups--like militias--to be classified as terrorist. The right-wingers demanded and won a definition of "terrorism" as criminal acts involving a foreign power. Therefore attacks like the bombing of the Oklahoma City federal building are not considered "terrorist" acts under the law because they carried out by Americans without foreign involvement. So now a law designed as an answer to an act of domestic terrorism has become a tool to speed up executions, curtail amnesty for people fleeing fascist governments--often set up, run and supplied by the United States itself--and to speed up the deportations of long time legal residents who've had only minor brushes with the law.

### A Case in Point

On May 30, a Peruvian living legally in the United States, Julian Calero-Salazar, was arrested in New York City as his name was called at a hearing for political asylum. He had left Peru in 1989 after he was targeted for reprisal by police in his home town of Curi in the Andes mountains. Calero-Salazar's troubles began when he had two thugs arrested for stealing cattle from his family's small farm. The incident led to escalating attacks on his family that ended with Calero-Salazar being branded a "subversive" and his brother-in-law being tortured to death by Peruvian soldiers in 1993 as his mother was forced to watch. In 1994, Calero-Salazar's wife was arrested for allegedly renting a room to a suspected fighter in the Maoist Communist Party of Peru--known in the media as Shining Path. She was held for six months until a \$3,000 payment won her release.

Peru has been waging a "dirty war"

since the early 1980's against a stubborn insurgency based mostly among impoverished Indian peasants of the remote mountains and forests of Peru. Amnesty International and other human rights monitors have repeatedly questioned the Peruvian government's tactics--which include faceless military tribunals with hooded judges, death squads that have murdered students and university professors, and the arrest of lawyers minutes after suspects are tried and sentenced to horrendous prison terms.

Although Julian Calero-Salazar denies any contacts with Peru's revolutionaries and despite the fact the incidents that he is being accused of by Peru occurred AFTER he had left the country for the United States--Calero-Salazar is being held without bail as a suspected "terrorist." Calero-Salazar's case is currently being defended by the Center for Constitutional Rights. Attorneys point out that Calero-Salazar had been openly applying for political asylum in the United States since 1994, but it was only after Clinton signed the Counter-Terrorism and Effective Death Penalty Act that officials moved to arrest and extradite him to Peru.

The *New York Times* published a detailed article in July on the effects of the Act on legal immigrants in the United States who have had the misfortune of being convicted of even the most minor crime and now face deportation despite having lived for many years in this country and being gainfully employed and having children and family members who are US citizens.

The Act expands the grounds for deporting legal residents to cover any drug offense, including marijuana possession, and so-called "moral turpitude" which includes quality-of-life crimes such as subway turnstile jumping. One woman who has lived in the US since 1970 and has an 18 year old US born son was busted for marijuana possession nearly 20 years ago. She's now being held in an INS facility and is facing deportation. Before the Act was passed, possession of 30 grams or less of marijuana was not grounds for deportation and the law provided for waivers of deportation for hardship cases. Those waivers have all been removed and the INS is actively arresting and deporting people who've lived for decades as legal residents in this country. Immigration lawyers say they'll fight every attempt to deport people under the Act, insuring years of costly court battles.

### Mumia Abu Jamal

On June 27th, the highest court in Italy ruled that the death penalty in the United States violates international norms of human rights. Only two "industrialized" countries have death-row populations--Japan with 32 on death-row and the United States with 3,000 awaiting death at the hands of the executioner. Last year 56 people were executed in the United States, twice the number of the year before, and this year the number of executions will again double. The day after the Italian court ruled, the United States Supreme Court made its own ruling with Chief Justice Rehnquist stating that the Congress and not the courts should determine the scope of Habeas Corpus. As discussed earlier, Habeas Corpus is the 500 year old right that says no state authority can take away someone's liberty without that person having a right to challenge the legality of what the state does.

The politicians have thrown in firmly against Habeas Corpus; for example, Bob Dole has along with President Clinton given full support to the death penalty. In February Dole visited San

Quentin prison in California where 400 people are on death-row, and in 1992, then governor Bill Clinton actually went back to Arkansas in the middle of the campaign to preside over an execution.

Currently, journalist Mumia Abu-Jamal, arguably the most famous person sitting on death-row in the United States, may be seriously affected by the Counter-Terrorism and Effective Death Penalty Act. Mumia's lawyer, Leonard Weinglass says:

*"The government has moved the goalposts and now the standards are almost impossible for anybody to satisfy. Mumia will have to show by clear convincing evidence that no reasonable juror would have reached a conclusion for the death penalty. It's almost an impossible standard and that standard will apply to Mumia's case, we believe, because we are not yet in federal court. What the act does is it changes the jurisdiction of a federal judge. It reduces the power of a federal judge to examine these cases. We're going to be in federal court if we lose in the Pennsylvania Supreme Court in 1997. Early to mid 1997 we'll be in federal court here in Philadelphia if we lose in the state Supreme court. When we get to federal court in 1997, the question is: What rules apply? Do the old rules apply when Mumia was convicted in 1982 or do the new rules apply from 1996? We don't know yet but the best judgment of the legal scholars we've talked to, who've examined this and looked at what the court decided on June 28th, inclines them strongly to the belief that Mumia will have his case heard in federal court under the new rules. That's what we anticipate because it's a "jurisdictional" issue."*

### Conspiracy to Bomb the Constitution

On July 17th TWA flight 800 left JFK airport in New York City on a routine flight to Paris when it fell mysteriously from the skies into the Atlantic, killing all 230 passengers and crew members on board. Two weeks later, a pipe bomb went off at the Olympics, killing two and injuring more than a hundred. Before that a truck bomb killed numerous US troops at an airbase in Saudi Arabia. What did these three acts share? Nothing if not for the reaction in at the highest levels of government.

By Wednesday, July 31st, key lawmakers reached agreement with the White House on a package of anti-terrorism measures that would give Clinton the expanded wiretapping authority he had asked for but nor received in the Anti-Terrorism and Effective Death Penalty Act.

Introduced just days before Congress was to begin its summer recess, the measure would also tighten airport security and allow prosecution of suspected terrorists under federal racketeering laws. On Friday, August 2nd, the Clinton administration was handed another setback in the House of Representatives when Speaker Newt Gingrich led Republicans in the formulation and passage of a new counter-terrorism bill.

The bill passed almost unanimously on Friday, cloaking the dispute in Congress. The new bill was thrown together by a House committee dominated by Republicans who made it clear that they would resist President Clinton's demands for enhanced wiretapping laws. In particular Clinton and his point man, New York Representative Charles Schumer, wanted roving wiretaps and an the ability to place wiretaps without a court order in emergencies. Roving wiretaps were rejected in the April Counter-Terrorism Act by conservatives who worry that liberals are planning a legal assault against armed anti-government militias.

On Friday, morning newspapers were reporting that an extended anti-terror-

ism bill was dead, but before noon Speaker Gingrich was insisting that a bill would be sent to the Senate and on to Clinton for a signature before the summer recess began at the end of the day. Eventually, a 33 page bill providing money for airport security including bomb sniffing dogs as well as and security background checks on airport employees was passed in the House. Another provision of the new bill calls for airlines to cooperate with the FBI, developing new profiles as a basis for searching and questioning airline passengers. Similar profiles used by New Jersey police on Interstate 95 have been criticized for racist stereotyping of African American men who are often pulled over for no other reason than for driving a new or expensive looking car.

The new bill also leaves out any meaningful plan to introduce so-called taggants or tracers in several forms of gunpowder. Despite Democratic assertions that gunpowder should be tagged because it's the favored explosive in pipe bombs like the one that went off at the Olympics, Gingrich and his allies in the National Rifle Association are against forcing manufacturers to make it easier for the government to trace these common explosives. The NRA has the ear of Gingrich and House Republicans and had limited the gunpowder taggant measure to a limited study of the technology.

Although it was passed in the House, the bill foundered in the Senate when Democrats withheld support because of the absence of language allowing roving wiretaps and Gingrich's refusal to open up the process. Later, Gingrich said the FBI's willingness to hand over 900 background files, including those of prominent Republicans, was a "major factor in stopping us from being able to give them the wiretap authority they seek." Gingrich said FBI director Louis Freeh "is running a grave danger of weakening the Federal Bureau of Investigation's standing."

Another part of the House bill would have forced Clinton to implement provisions in the April Counter-Terrorism Act requiring the White House to name so-called terrorist organizations. Clinton has yet to make determinations of these groups, which would then trigger some of the most egregious aspects of the Act prohibiting support of liberation struggles by activists in the United States. This provision in the new bill was reiterated by Gingrich at a news conference on August 2nd, where the speaker accused Clinton of focusing on wiretapping and taggants at the expense of "human intelligence" or spying and covert actions by the CIA. Democrats in the House said they were outraged by Gingrich's statement and they vehemently denied that Clinton has given short shrift to dirty tricks by the intelligence community.

Despite the resistance of conservatives to some so-called anti-terrorist measures, the issues of taggants and roving wiretaps will be discussed again when the House return from summer recess after the conventions. Numerous other bills have also been passed that allow the FBI to spy under "good faith" exemptions to laws requiring court orders for electronic surveillance and search warrants. Without a doubt many freedoms taken for granted by generations of Americans are gone for good and a brave new world is upon us.

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# SHADOW PLAY

Continued From Page 20

Even since the operation ended, says Noe, every day armed helicopters pass directly over the Oventic Zapatista camp--once at dawn, once at dusk. As we speak, a military surveillance plane passes high above.

Noe and a fellow *miliciano* take us on a tour of the community--little plots of *maize*, makeshift irrigation ditches, thatch huts with no plumbing or electricity. "What do you have to eat here?" I ask.

"*Tostadas, arroz, frijol--nada mas.*"

Our guides point out the surrounding mountains where the federal troops had combed for marijuana. They still have their encampment just on the other side of San Andres, and the tanks could come rumbling up the road again any minute.

"Your military position seems very bad here," I remark.

Miliciano Noe gives the reply of a professional soldier: "That's a question for the CCRI--not for me."

## GRINGO INTERVENTION?

Just as tensions were approaching a climax in the Chiapas Highlands, a top-level delegation from Washington DC arrived in Mexico City to discuss unprecedented US-Mexico military cooperation plans--in the name of the War on Drugs.

On May 6, US Secretary of State Warren Christopher arrived in Mexico's Federal District for talks on binational economic, law-enforcement and military integration. In his entourage were Attorney General Janet Reno, DEA chief Thomas Constantine and newly-appointed Drug Czar Gen. Barry McCaffrey.

In the following days, pacts were signed on immigration, pollution--and stepped-up Drug War cooperation.

In addition to new efforts against illegal migrants, Mexico pledged to use US technical assistance--including sophisticated computer programs to crack down on money-laundering.

"The US can support the military and police forces [of Mexico] with technical assistance, radar, the cooperation of the Coast Guard, and other mechanisms," said Gen. McCaffrey. "We are committed to cooperating on intelligence matters. We're going to give Mexican authorities the information they need to form an even better defense of their own sovereign air space and sea frontiers."

Gen. McCaffrey, former head of the Pentagon's Southern Command, is a veteran of Vietnam, the covert war against Nicaragua and the 1989 invasion of Panama. A top Pentagon theorist of counter-narcotics operations as the US military's new hemispheric mission for the post-Cold War era, McCaffrey is now the first Drug Czar to serve as US liaison to the US-Mexico Binational Commission for Military Issues.

Meanwhile, President Bill Clinton issued a 13-point directive ordering the departments of Treasury, Justice, Defense and other agencies to outline steps for Drug War aid to Mexico. The directive orders McCaffrey's Office of National Drug Control Policy to produce a "white paper" on the Mexican drug problem, to be presented to the newly-established U.S.-Mexico High-Level Contact Group.

Just a week earlier, US Defense Secretary William Perry had met with Mexican Defense Minister Enrique Cervantes on an agreement to train Mexican troops at US bases for the first time. The two bases mentioned were Fort Bragg, NC--home to the elite Green Berets--and Fort Benning, GA--home to the School of the Americas,

known in Latin America as the School of the Dictators, having been the training ground for the masterminds of murderous military regimes in Guatemala, El Salvador, Haiti and elsewhere. Fifteen Mexican military officers are to begin training at these bases in anti-narcotics operations, and will then, in turn, train their own Mexican troops. "We are using a training-to-train concept," said Pentagon spokesperson Brian Sheridan.

The Christopher-Cervantes meeting arranged the immediate transfer of 20 UH-1H Huey helicopters to the Mexican Air Force, and 50 or more additional helicopters next year as well as the training of helicopter pilots and mechanics for the Mexican military's new "Rapid Reaction Units."

Previous helicopters provided by the United States have been transferred to the Mexican federal anti-drug police, not to the military--but were nonetheless used in the military attack on the Zapatistas in January 1994.

The Pentagon has asked Congress for \$10 million in military assistance to Mexico for the next fiscal year.

The request is meeting resistance from an unlikely Capitol Hill alliance. California's liberal Democrat Sen. Dianne Feinstein has joined New York's conservative Sen. Republican Alphonse D'Amato in demanding that the White House "decertify" Mexico for further US aid on the basis of insufficient drug enforcement, as it has Colombia. North Carolina's ultra-conservative Sen. Jesse Helms has actually expressed concerns that the Drug War choppers not be used for counter-insurgency campaigns!

McCaffrey is a vocal advocate of the Mexico aid on Capitol Hill, testifying that 70% of drugs in the US come across the Mexican border.

The new cooperation is also meeting resistance in Mexico. There was an outcry in the press in March, when it was reported that William Perry, in a meeting with Mexican military officials on a US nuclear aircraft carrier off Mexico's Pacific coast, raised the possibility of joint military maneuvers between the two countries. Apart from Cuba, Mexico is the only Latin American country to keep the US military at arm's length--a legacy of the 1848 war in which Mexico lost nearly half of its territory to gringo conquest. The Mexican National Defense Ministry immediately denied that joint maneuvers were being considered, saying the new cooperation would be limited to training, intelligence and equipment.

Rumors abound that there are already US troops in Chiapas. Last year, Subcommander Marcos told an Italian publication that the Pentagon has sent "a group of advisors" on a covert mission to Chiapas, and that one gringo lieutenant colonel was among the Mexican federal troops at Guadalupe Tepeyac, the main Zapatista stronghold in the Lacandon Selva which was taken by government troops in the February 1995 offensive.

"We know from the prostitutes that service the army that they had been taking care of a group of soldiers we assume were from the US, because they were tall, blond, blue-eyed, and they spoke in English. Obviously, we did not see their passports."

Marcos also claims that many of the same elements who masterminded the counter-revolutionary terror in Central America in the 1980s are now at work in Chiapas:

"Another bit of information we have is that the US army was functioning as an intermediary in bringing here the Argentinian mercenaries who are pre-

sent in Chiapas. There are those who claim they are with the paramilitary squadrons, with the 'White Guards.' The Federal Army denies that it has Argentinian advisors. We have the pictures of some of those advisors, from when they were training others in Honduras. We located one of them here, preparing explosives and training people on the use of mortars."

Veterans of the Argentine military dictatorship's "dirty war" in the 1970s -- in which over 5,000 civilians "disappeared" -- were brought to Honduras by the CIA to train the Nicaraguan contras in the early '80s. At the same time, Gen. McCaffrey was overseeing clandestine Green Beret missions into Nicaragua to back up contra operations. Some of these same figures may now be active in Mexico.

In May 1994, just months after the Zapatistas launched their revolt, the Mexican federal government announced creation of new Anti-Terrorist Group (GAT). Decried in the press as an "Orwellian superagency," that GAT was to be overseen by special trainers from the US, Argentina and Spain--where the security forces are now mired in a scandal over the torture and abduction of Basque separatist rebels. Argentina, which simultaneously launched an identically-named agency, dispatched elite troops to Mexico for GAT counter-insurgency training.

Subcommander Marcos also told the Italian journalists that "we did confirm that the Mexican army received counterinsurgency training from the Guatemalan *kaibiles*." The *kaibiles* are the elite Guatemalan storm-troopers who spearheaded the genocidal campaign against that country's own Maya Indian rebels in the early 1980s, and are charged with carrying out countless "disappearances" and massacres.

The *kaibiles* are trained by the US Green Berets, and have established bases near Guatemala's border with Mexico's Lacandon Selva. The Zapatistas claim that *kaibiles* have crossed into Mexican territory to aid the Mexican military in anti-Zapatista campaigns--and that some Green Berets may even have come with them.

This intervention is likely to escalate as southern Mexico's shadow wars spread north. In the state of Guerrero, where federal troops and tanks also search the mountains for *mota* and where the governor was recently forced to resign after he was implicated in a massacre of *campesino* protestors, a new and mysterious guerilla group called the Popular Revolutionary Army (EPR) appeared at a protest marking the one-year anniversary of the massacre on June 28. The Mexican press has since been filled with speculation as to whether the EPR is a legitimate guerilla group, a narco-gang or even a creation of *PRListas* to justify a crackdown. In any case, the EPR's appearance sent thousands of federal troops combing the mountains of Guerrero. Unrest and chaos is creeping north along Mexico's spine from Chiapas, threatening the stability of the NAFTA regime--and assuring that the US-Mexican economic integration will be mirrored in closer military cooperation.

## BACK FROM THE BRINK

Yet again, just as open war was approaching, the government blinked. On June 6, Elorriaga and Entzin were freed. A federal appeals judge dropped all charges against Elorriaga and reduced Entzin's penalty to a 30-peso fine--not quite \$50.

Upon his release, Elorriaga demanded freedom for the numerous other accused Zapatistas still languishing in Cerro Hueco, saying, "as long as they are in jail, there are obstacles to the peace process. I won't be truly free

until they are all free." Entzin said he would support the FZLN "like any other citizen," and would return to his town of Altamirano--the site of another Nuevo Aguascalientes--"to work my *milpa* with my brothers."

The EZLN called off the red alert, and on June 9 the Zapatistas met with government negotiators at La Realidad in the Lacandon Selva to discuss re-establishing the dialogue. Chiapas back from brink once again.

But what about next time? With militarism escalating under the Drug War charade, will the government's next tilt to the hardline push southern Mexico over the brink into war?

The drug mafias also seem to have targeted Chiapas as a new sphere of operation. On June 2, the historic ancient Maya ruins at Palenque were hit by armed robbers who made off with 37 priceless pre-Columbian artifacts. The following weekend, the local press reported, the personal (unnamed) chauffeur of the Arellano Felix brothers, kingpins of the Tijuana Cartel, Mexico's most powerful drug mafia, was blown away by unknown gunmen wielding AK-47 assault rifles in Palenque. Nobody was arrested, and it is unknown what the mysterious chauffeur was doing so far from the Tijuana Cartel's turf at the other end of Mexico.

San Cristobal's deeply conservative newspapers warn of a "narco-satanic" cult performing "macabre rituals" in the city, linked to the human sacrifices reportedly carried out by drug gangs in the northern Mexican state of Coahuila in recent years. At a press conference, San Cristobal's Mayor Rolando Villafuerte warned that local marijuana use is on the rise, blaming the "contagious presence" of "a minority who use drugs"--a barely veiled reference to San Cristobal's community of hippies, gringo expatriates and international lefty types drawn by the romance of the Zapatista struggle.

In the increasingly paranoid and militarized atmosphere, the Zapatistas face a challenge in their bid to transform themselves from a clandestine army to an above-ground civil movement--the FZLN--and to find what they call a peaceful "political exit" to the conflict, and a "political opening" for democracy in Mexico.

(Research assistance: Pramila Rao & Peter Malerba)

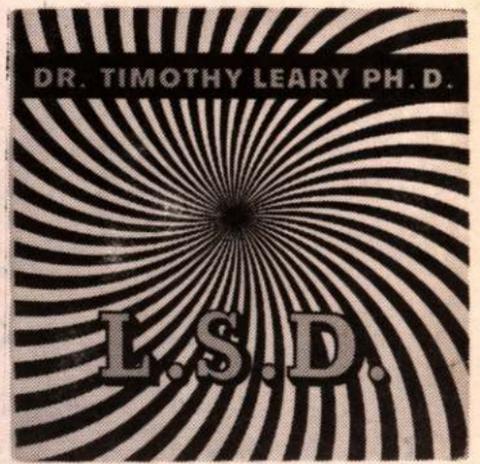
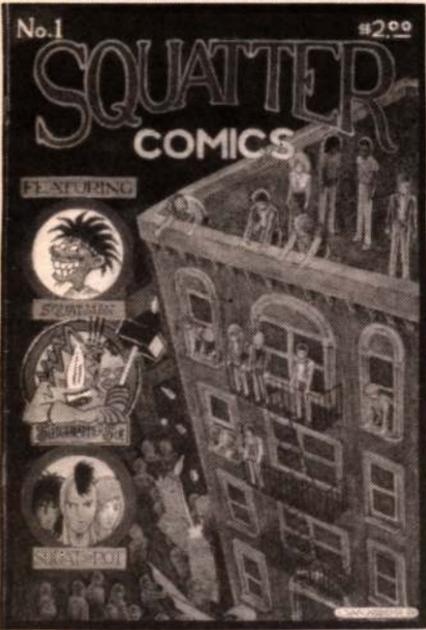
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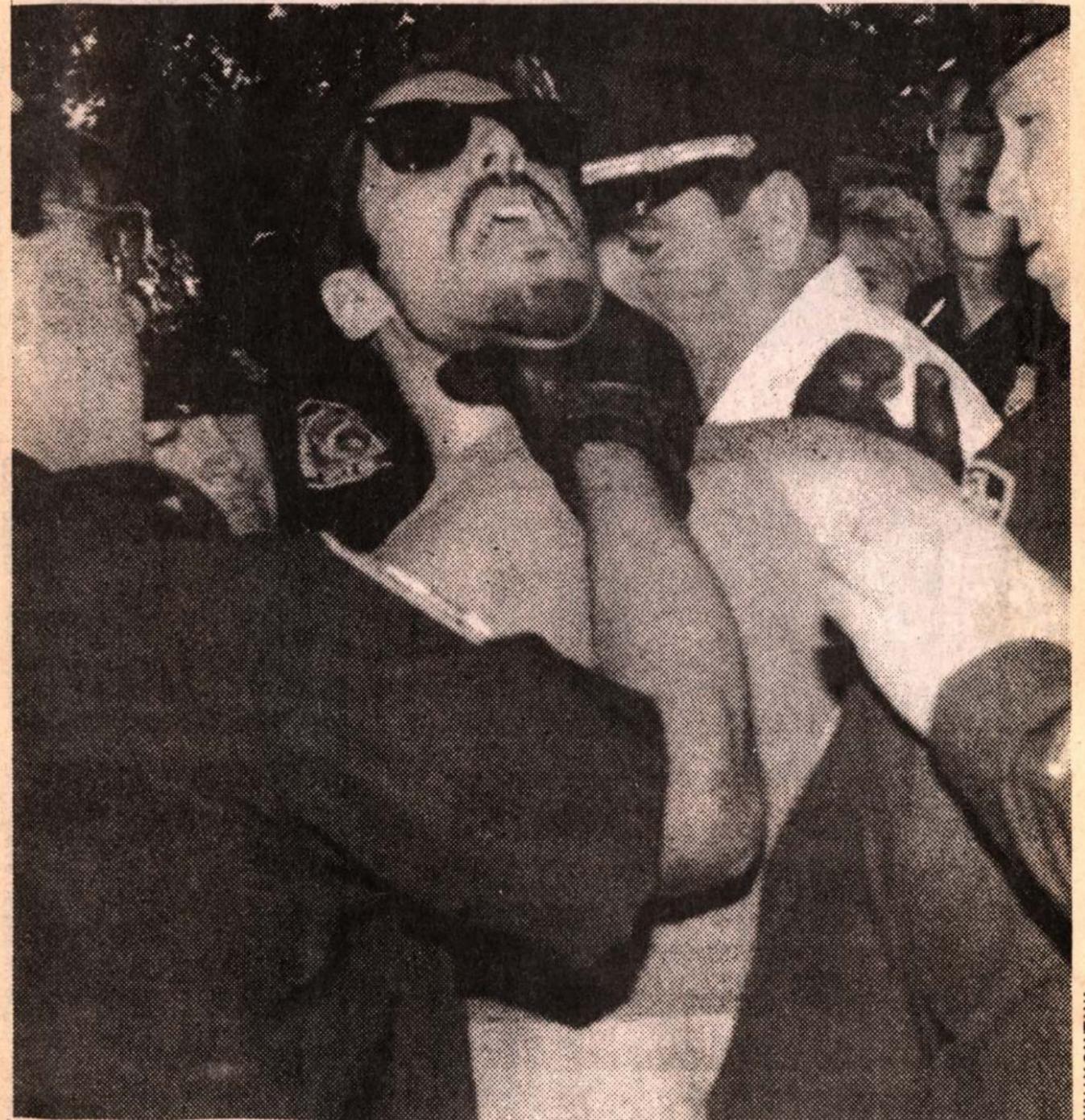
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